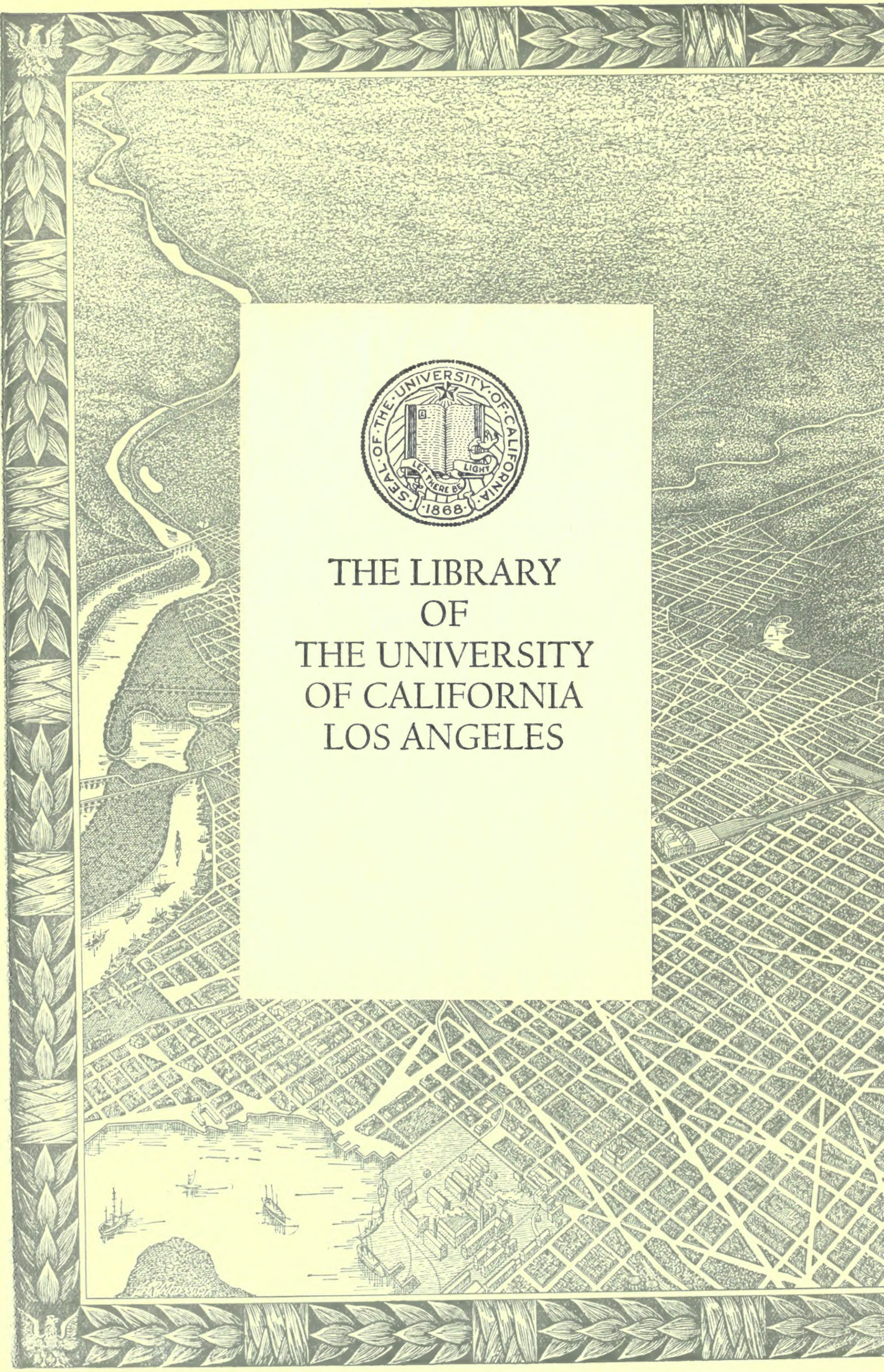
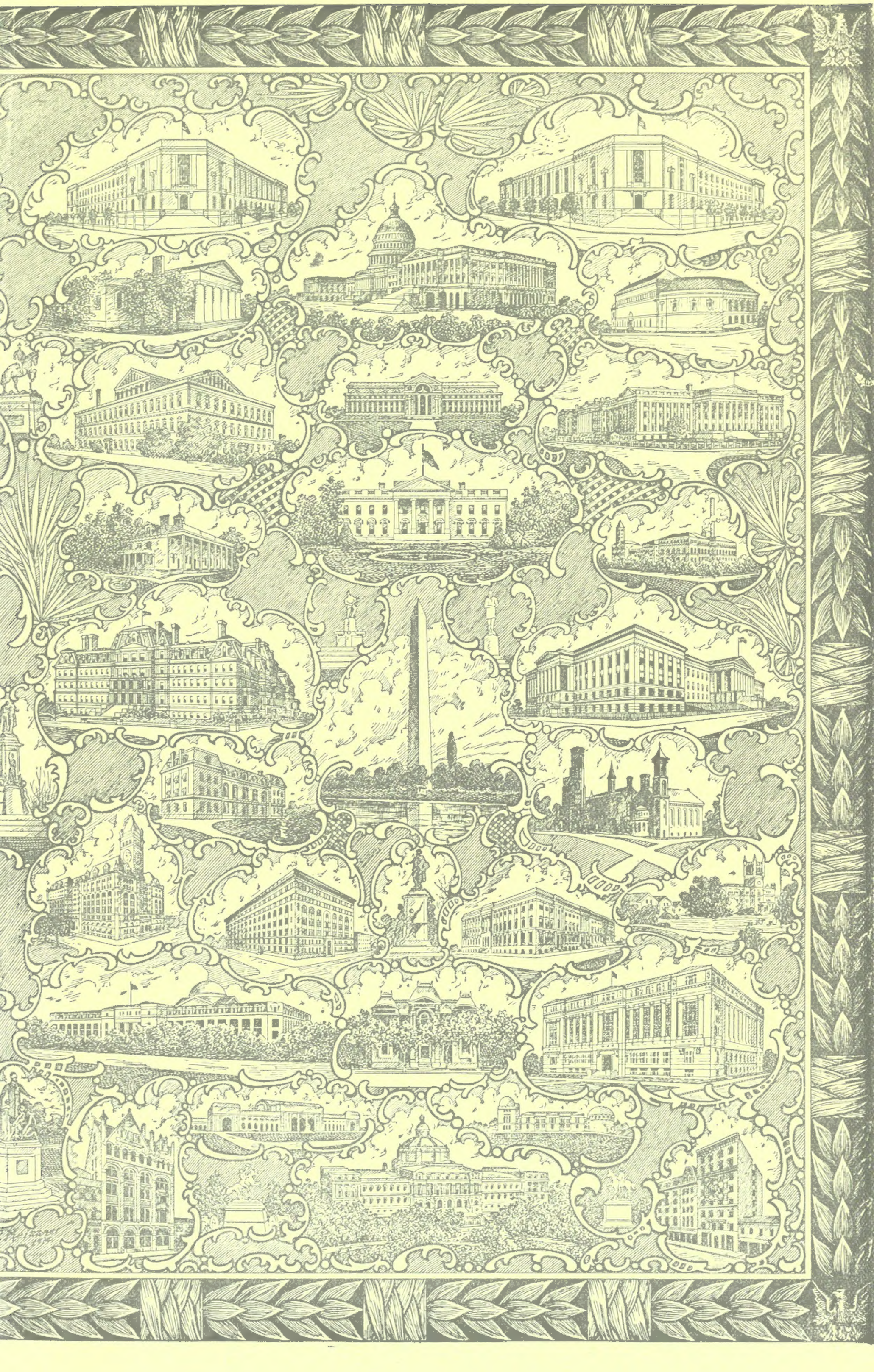
THE PRESIDENTS



THE LIBRARY
OF
THE UNIVERSITY
OF CALIFORNIA
LOS ANGELES



Digitized by the Internet Archive
in 2007 with funding from
Microsoft Corporation

http://www.archive.org/details/messagespaperspr10unitiala

COPYRIGHT 1909 BY BUREAU OF
NATIONAL LITERATURE AND ART

Pension Office

A COMPILATION
OF THE
MESSAGES AND PAPERS
OF THE
PRESIDENTS

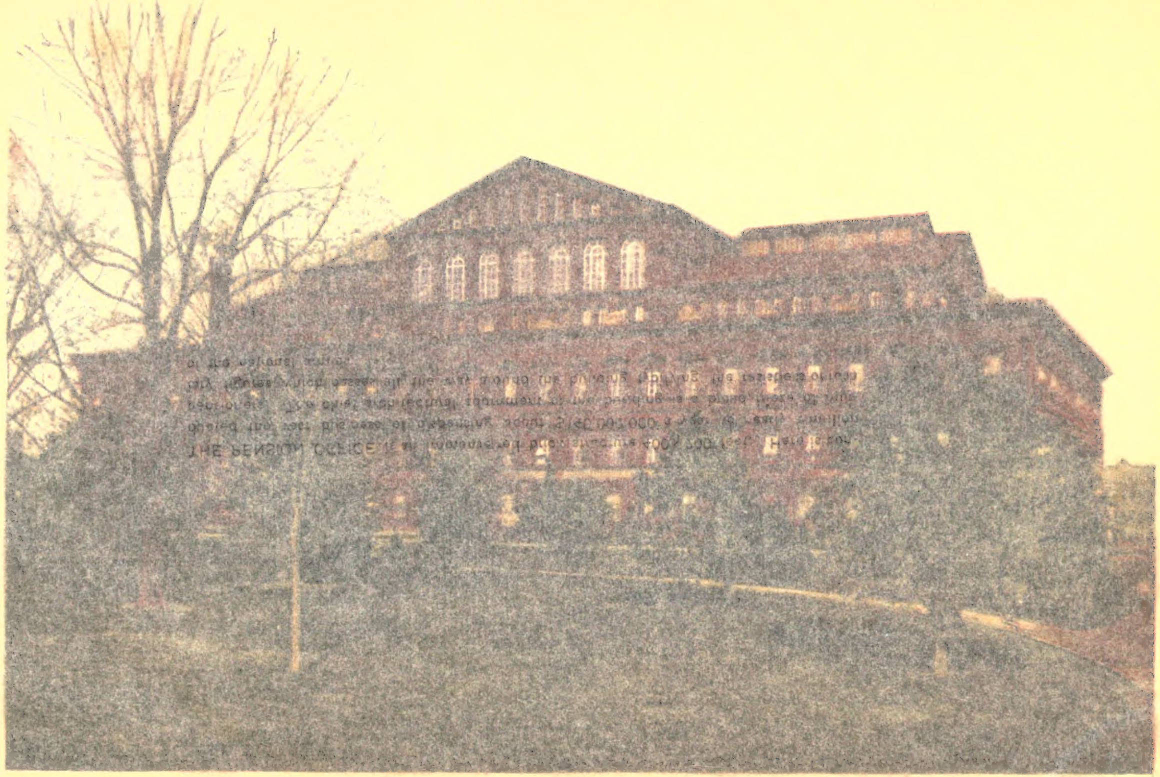
Prepared Under the Direction of the Joint Committee
on Printing, of the House and Senate,
Pursuant to an Act of the Fifty-Second Congress
of the United States

(With Additions and Encyclopedic Index
by Private Enterprise)

VOLUME X

PUBLISHED BY
BUREAU OF NATIONAL LITERATURE, Inc.
NEW YORK

THE PENSION OFFICE is an immense red brick structure 400 x 200 feet. Here is conducted the vast business of dispensing about $140,000,000 a year to nearly a million pensioners. The chief architectural adornment of the building is a broad frieze of military figures which passes all the way around the building, typifying the resistless onrush of the national armies.



COPYRIGHT 1909 BY BUREAU OF
NATIONAL LITERATURE AND ART

Pension Office

A COMPILATION

OF THE

MESSAGES AND PAPERS

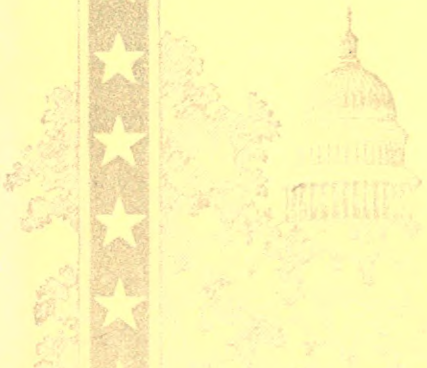
OF THE

PRESIDENTS

Prepared Under the Direction of the Joint Committee
on Printing, of the House and Senate,
Pursuant to an Act of the Fifty-Second Congress
of the United States

(With Additions and Encyclopedic Index
by Private Enterprise)

VOLUME X



PUBLISHED BY
BUREAU OF NATIONAL LITERATURE, Inc.
NEW YORK

Copyright, 1897
BY
JAMES D. RICHARDSON

College
Library
J
81
B97
1897
V.10

ILLUSTRATIONS IN VOLUME TEN

PAGE
The Pension Office . . . . *Frontispiece*
Cartoon—The Effect of Grant's Message of January 13, 1875 . 4248
Surrender of the "Virginius" in Bahia Honda 4249
Cartoon—The Cuban Question 4280
Early Mining Scenes in Colorado 4344
Facsimile—President Grant's Centennial Proclamation . . 4376
Rutherford B. Hayes (*portrait*) . . . . 4390 B
(*With sketch of his Ohio home on tissue*)
Lucy Ware Webb Hayes (*portrait*) . . . . 4390 D
Alexander Graham Bell—The First Telephone Message to Chicago 4422
Facsimile—President Hayes' Proclamation on Railroad Strike 4470
Extermination of Custer's Command—Graves on the Battlefield 4534
James A. Garfield (*portrait*) . . . . 4592 B
(*Sketch of his Ohio home on tissue*)
Lucretia Rudolph Garfield (*portrait*) . . . . 4592 D
Haymarket Riots 4596
Facsimile—President Garfield's Note to the Senate 4602
Assassination of Garfield—Trial of the Assassin . . . 4612
Chester A. Arthur (*portrait*) . . . . 4617 B
(*Sketch of his New York home on tissue*)
Mary Arthur McElroy (*portrait*) . . . . 4617 D

be considered unless made in writing, signed by the person making them, setting forth the character of the person recommended and his qualifications for the office in reference to which the recommendation is made; nor, when the recommendation is by a person holding an office or station in or under the Government of the United States, can such written recommendation, except when made in response to a written request by the officer making the appointment, or in the discharge of an official duty imposed by the Constitution or the laws, be considered as entitled to any greater weight than if made by such person as a private individual. But this rule shall not apply to recommendations made by officers as to their own subordinates.

Rule 2.—While it is not the purpose of the rules and regulations prescribed for the government of the civil service either to restrict the power of removal or to extend the tenure of service, such power will not be exercised arbitrarily, and therefore applications must not be entertained by any authority having the duty of nomination or appointment for the removal of any person in the civil service, nor will any person be removed for the mere purpose of making a place for any other person.

Rule 3.—To prevent any misapprehension in the public mind in regard to the functions of the members of the Civil Service Commission and of the members of any board of examiners, it is declared not to be any part of the duty or authority of any such member to act upon, take part in, or in any way entertain any recommendation, application, or question concerning appointments or removals in respect of the civil service, otherwise than in the strict discharge of their respective duties as prescribed by the rules and regulations; and for the same purpose it is further declared that the functions of the members of said Commission as to the matters aforesaid extend only to the question of the proper rules and regulations to be made and to supervising their application, and that the functions of the examiners as to said matters extend only to preparing for, conducting, rating, and making reports concerning examinations required to be made under such rules and regulations.

Rule 4.—The grouping heretofore made for the Executive Departments at Washington is hereby modified by striking out the words "female clerks, copyists, and counters, at $900 a year," these places being below the grade of clerkships of class 1; and all applicants for such positions shall be examined in (1) penmanship, (2) copying, (3) elements of English grammar, chiefly orthography, and (4) fundamental rules of arithmetic, except that mere counters may be examined only in the fundamental rules of arithmetic and as to their facility in counting money; and those found competent by such examination shall be reported in the order of their excellence as eligible for appointment, and selections may be made by the appointing power, at discretion, from the list of those so reported, being at liberty to give preference to such as may be justly regarded as having the highest claims to public consideration by reason of loss of support or of property occasioned by the death or disability of any person in the defense of the Union in war or in other public service of the Government. And in the notices of the examination of females to fill vacancies among those last mentioned it shall be stated as follows: "That from among all those who shall pass a satisfactory examination the head of the Department will be at liberty to select such persons for the vacancies as may be justly regarded as having the highest claims to public consideration."

Rule 5.—The notices to appear at any examinations other than those referred to in the fourth rule of this series, so far as practicable and necessary to prevent misapprehension, shall advise female applicants to whom they may be sent of any limitation which the law or the necessities of the public service impose upon such applicants entering the vacancies for which the examinations are to take place.

Rule 6.—That it shall be the duty of the respective boards of examiners, on the written request of heads of Departments, to hold examinations in anticipation of vacancies, as well as to fill vacancies, and to prepare lists showing the results of competition, so that when any such vacancy may happen there shall be those thus shown to be eligible to nomination or appointment, from whom the proper selection shall be made according to the provisions of the rules and regulations relating to competitive examination; and examinations upon like request shall be held in reference to vacancies to be filled under the fourth rule of this series.

Rule 7.—Applicants for appointment as cashiers of collectors of customs, cashiers of assistant treasurers, cashiers of postmasters, superintendents of money-order divisions in post-offices, and other custodians of large sums of public money for whose fidelity another officer has given official bonds may be appointed at discretion; but this rule shall not apply to any appointment to a position grouped below the grade of assistant teller.

Rule 8.—In cases of defalcation or embezzlement of public money, or other emergency calling for immediate action, where the public service would be materially injured unless the vacancy is promptly filled without resorting to the methods of selection and appointment prescribed by the rules and regulations, or when a vacancy happens at a place remote and difficult of access and the methods prescribed for filling it can not be applied without causing delay injurious to the public service, the appointment may be made at discretion; but this rule shall not apply to any place which is provided to be filled under the rules of competitive examination.

Rule 9.—For the purpose of bringing the examinations for the civil service as near to the residences of those desiring to be examined as the appropriation at the command of the President will warrant, and for the further purpose of facilitating as far as practicable the making of selections for such service equably from the several portions of the Union, while at the same time preserving the principle of promoting merit as tested by fair competition, it is provided as follows:

(1) That the several States and Territories are grouped into five divisions, to be designated as civil-service districts, the said districts to be numbered consecutively from one to five, as follows:

I. The first district embraces the States of Maine, New Hampshire, Massachusetts, Vermont, Connecticut, Rhode Island, and New York; and the examinations therein shall be held alternately at the city of New York and the city of Boston, but first at the city of New York.

II. The second district embraces the States of New Jersey, Pennsylvania, Delaware, Maryland, North Carolina, Virginia, West Virginia, and the District of Columbia: and the examinations therein shall be held at Washington.

III. The third district embraces the States of Ohio, Michigan, Indiana, Wisconsin, and Kentucky; and the examinations therein shall be held alternately at Cincinnati and Detroit, but first at Cincinnati.

IV. The fourth district embraces the States of Illinois, Missouri, Minnesota, Iowa, Kansas, Nebraska, Nevada, California, and Oregon, and also all the Territories except New Mexico and the District of Columbia; and the examinations therein shall be held at St. Louis.

V. The fifth district embraces the States of South Carolina, Georgia, Florida, Alabama, Mississippi, Arkansas, Louisiana, Texas, and Tennessee, together with the Territory of New Mexico; and the examinations therein shall be held alternately at the city of Savannah and the city of Memphis, but first at the city of Savannah.

(2) That in each of said districts examinations for admission to the civil service at Washington shall be conducted as hereinafter provided; and those whose residence is within any such district at the time of filing the application for examination shall be regarded as belonging to such district in reference both to competition and to appointments; and each district shall be treated as a sphere of competition, and those so residing therein, wherever examined, shall be regarded as competing only with each other; but a person residing in any district may be allowed or notified to be examined in any other district.

(3) All applications for examination for service at Washington must be addressed

to the head of the Department at that city which the applicant desires to enter, and be in conformity to the previous rules and regulations so far as the same are not modified by this series; and every such application must be dated, must give the town or municipality as well as the State or Territory where the applicant has his legal residence, and also his post-office address.

(4) Each of the heads of Departments will cause to be kept in permanent form a register of all such applicants for his Department, to be called a "Register of applicants," and will cause such applications to be preserved on file for convenient reference.

(5) The provisions of the former rules and regulations in reference to the examining boards in the Departments and in the other local offices in the various cities, so far as consistent herewith, are continued until otherwise ordered.

(6) The President will employ or designate a suitable person to be chief examiner, whose duty it will be, subject to the supervision of the Civil Service Commission, to promote uniformity in preparing for, conducting, reporting, and grading the examinations by said boards at Washington, and to prepare for, attend, supervise, and report the examinations herein provided to be held elsewhere than at Washington.

(7) The several heads of Departments must also cause to be made in permanent form and to be preserved a "Record of persons eligible for appointment," arranging under separate headings those resident in each separate district, wherein shall be entered the names of the persons who have been examined within twelve months now last past, and who are still eligible to nomination or appointment; and to such record must from time to time be added the names of those persons who shall hereafter pass an examination which shall show them to be so eligible for nomination or appointment. And such "Record of persons eligible for appointment" shall be so kept and the names therein be so classified that all those whose residences appearing as aforesaid to be in the same districts shall be tabulated together, so as to show their relative excellence in each said district, except that the names of all those examined under the fourth rule of this series shall be separately entered upon the "Record of persons eligible for appointment" for each Department, so as to show where they reside.

(8) That the officer having the power of making nomination or appointment may resort for that purpose to those so entered in the "Record of persons eligible for appointment" as residing in either of said civil-service districts; but (except in respect of those examined under said rule 4) the method of competition heretofore provided must be regarded as applying among those so registered as residing in any such district, and as requiring the nomination and appointment to be made from some one of the three persons graded as the highest on some one of said five several arrangements of persons so eligible.

(9) At a reasonable time before any examination is to take place each head of Department will furnish the chief examiner with a list of those to be examined, and ten days before any examination is to take place in any said district, elsewhere than at Washington, notice shall be sent by mail by such chief examiner to all such applicants residing or allowed to be examined in such district, stating the time and place of such examination and the other matters of which the rules and regulations require notice to be given.

(10) For the purpose of the examinations last mentioned the said chief examiner shall receive from the several heads of Departments at Washington and from the head of any local office which may request to have any examinations made of persons for said offices the names of those who are to be examined at any place outside of Washington, and shall make a list of the same, showing the date of the filing of each application, which he shall produce at the place of examination; and the examination shall be held of all those on such list who shall duly appear and submit thereto, provided the number be not so great, in the opinion of the examining board,

as to render the examination of the whole impracticable, in which event only a reasonable number, to be selected in the order of the date of the filing of their applications, need be examined.

(11) For each place outside of Washington where such examination is to be held the President will designate persons, to be, when practicable, suitable officers of the United States, who, together with such chief examiner, or some substituted departmental examiner from Washington to be sent in his place when such chief examiner can not attend, shall constitute the board for such examination; and by said persons, or a majority thereof, of whom such chief examiner or said substitute shall be one, such examinations shall be held and certified in a uniform manner; and the time occupied by each person examined shall be noted on the examination papers. The questions to be put to those examined as applicants through the request of either head of Department or head of local office shall be such as may be provided and as might be put if all such examinations were, or were to be, conducted under the rules and regulations by the examining boards of any such Department in Washington or by any such local board.

(12) The chief examiner or his substitute shall make reports to each Department and local office separately in respect of all such persons as either said head of Department or of a local office requested to be examined, and said reports, respectively, shall be accompanied by the examination papers of those so separately reported; and the board of examiners in each Department or local office shall make up and state the excellence of each person so reported as examined, and such excellence, being not below the minimum grade of 70 per cent, shall be duly entered in the "Record of persons eligible for appointment" in the proper district or local office.

(13) The district examinations herein provided for shall be held not more than twice in any one year in the same district, except in Washington, where an examination may be held in respect of each Department as frequently as the head of such Department, subject to the approval of the President, may direct; and all persons so examined in Washington, wherever they may reside, shall be entered on the "Record of persons eligible for appointment" equally as if examined elsewhere.

(14) Whenever the entry of the name of any person has been on the "Record of persons eligible for appointment" during eighteen consecutive months, such entry shall be marked "Time expired," and such name shall not again be placed thereon except as the result of another examination.

(15) Persons who may be required to be examined for any custom-house, post-office, or other local office or place of service other than Washington may be notified by the head of such office to appear and be examined at any examination provided for under this rule; and the result of such examination shall be reported by the chief examiner or his substitute to the proper examining board for such office or place, or to the head of the local office; and such board shall enter the name, with the proper indication of the grade of excellence, among those who are to compete at any such place or office, and from whom selection, on the basis of competition, shall be made.

(16) But where the result of any examination aforesaid shall show the excellence of any such applicant to be below the minimum grade of 70 per cent (on the basis of 100 as perfect), the only entry thereof to be made in registers of the Department or of local office shall be of the words "Not eligible," which shall be written against the name of such person in the register of applicants; and such applicant shall not be again examined for any Department or office within six months of the date of the former examination.

(17) The provisions of this rule do not apply to examinations for promotion, nor do they apply to the State Department, in which examinations will be conducted under the provisions of the Executive order of March 14, 1873.

(18) Subject to the other provisions of this rule, the times of holding the exami-

nations herein provided for in the first, third, fourth, and fifth districts, respectively, shall be fixed by the chief examiner after consultation with the heads of Departments at Washington. One examination, however, shall be held in each of the last-mentioned districts prior to the 1st day of November next, and the chief examiner shall on or before that date make a report in writing to the Civil Service Commission, setting forth generally the facts in regard to the examinations referred to in this rule and appropriate suggestions for increasing their usefulness.

Rule 10.—So many of the persons employed by the President under the ninth section of the act of March 3, 1871, as are referred to in the opinion of the Attorney-General of the date of August 31, 1871, under the name of the Civil Service Commission, and are still in such employment, together with the successors of those who have resigned, and their successors, shall hereafter be regarded as composing and shall be designated as "The Civil Service Commission;" and the use of the designation "Advisory Board," as referring to such persons, will be hereafter discontinued.

GENERAL ORDERS, NO. 102.

WAR DEPARTMENT,
ADJUTANT-GENERAL'S OFFICE,
Washington, October 10, 1873.

The President of the United States commands it to be made known that all soldiers who have deserted their colors, and who shall, on or before the 1st day of January, 1874, surrender themselves at any military station, shall receive a full pardon, only forfeiting the pay and allowances due them at the time of desertion, and shall be restored to duty without trial or punishment on condition that they faithfully serve through the term of their enlistment.

By order of the Secretary of War:

E. D. TOWNSEND,
Adjutant-General.

FIFTH ANNUAL MESSAGE.

EXECUTIVE MANSION, *December 1, 1873.*

To the Senate and House of Representatives:

The year that has passed since the submission of my last message to Congress has, especially during the latter part of it, been an eventful one to the country. In the midst of great national prosperity a financial crisis has occurred that has brought low fortunes of gigantic proportions; political partisanship has almost ceased to exist, especially in the agricultural regions; and, finally, the capture upon the high seas of a vessel bearing our flag has for a time threatened the most serious consequences, and has agitated the public mind from one end of the country to the other. But this, happily, now is in the course of satisfactory adjustment, honorable to both nations concerned.

The relations of the United States, however, with most of the other powers continue to be friendly and cordial. With France, Germany, Russia, Italy, and the minor European powers; with Brazil and most of the South American Republics, and with Japan, nothing has occurred during the year to demand special notice. The correspondence between the Department of State and various diplomatic representatives in or from those countries is transmitted herewith.

In executing the will of Congress, as expressed in its joint resolution of the 14th of February last, and in accordance with the provisions of the resolution, a number of "practical artisans," of "scientific men," and of "honorary commissioners" were authorized to attend the exposition at Vienna as commissioners on the part of the United States. It is believed that we have obtained the object which Congress had in view when it passed the joint resolution—"in order to enable the people of the United States to participate in the advantages of the International Exhibition of the Products of Agriculture, Manufactures, and the Fine Arts to be held at Vienna." I take pleasure in adding that the American exhibitors have received a gratifying number of diplomas and of medals.

During the exposition a conference was held at Vienna for the purpose of consultation on the systems prevailing in different countries for the protection of inventions. I authorized a representative from the Patent Office to be present at Vienna at the time when this conference was to take place, in order to aid as far as he might in securing any possible additional protection to American inventors in Europe. The report of this agent will be laid before Congress.

It is my pleasant duty to announce to Congress that the Emperor of China, on attaining his majority, received the diplomatic representatives of the Western powers in person. An account of these ceremonies and of the interesting discussions which preceded them will be found in the documents transmitted herewith. The accompanying papers show that some advance, although slight, has been made during the past year toward the suppression of the infamous Chinese cooly trade. I recommend Congress to inquire whether additional legislation be not needed on this subject.

The money awarded to the United States by the tribunal of arbitration at Geneva was paid by Her Majesty's Government a few days in advance of the time when it would have become payable according to the terms of the treaty. In compliance with the provisions of the act of March 3, 1873, it was at once paid into the Treasury, and used to redeem, so far as it might, the public debt of the United States; and the amount so redeemed was invested in a 5 per cent registered bond of the United States for $15,500,000, which is now held by the Secretary of State, subject to the future disposition of Congress.

I renew my recommendation, made at the opening of the last session of Congress, that a commission be created for the purpose of auditing and determining the amounts of the several "direct losses growing out of the destruction of vessels and their cargoes" by the *Alabama*, the *Florida*, or the *Shenandoah* after leaving Melbourne, for which the sufferers have received no equivalent or compensation, and of ascertaining the names of the persons entitled to receive compensation for the same, making the computations upon the basis indicated by the tribunal of arbitration at Geneva; and that payment of such losses be authorized to an extent not to exceed the awards of the tribunal at Geneva.

By an act approved on the 14th day of February last Congress made provision for completing, jointly with an officer or commissioner to be named by Her Britannic Majesty, the determination of so much of the boundary line between the territory of the United States and the possessions of Great Britain as was left uncompleted by the commissioners appointed under the act of Congress of August 11, 1856. Under the provisions of this act the northwest water boundary of the United States has been determined and marked in accordance with the award of the Emperor of Germany. A protocol and a copy of the map upon which the line was thus marked are contained in the papers submitted herewith.

I also transmit a copy of the report of the commissioner for marking the northern boundary between the United States and the British possessions west of the Lake of the Woods, of the operations of the commission during the past season. Surveys have been made to a point 497 miles west of the Lake of the Woods, leaving about 350 miles to be surveyed, the field work of which can be completed during the next season.

The mixed commission organized under the provisions of the treaty of Washington for settling and determining the claims of citizens of either power against the other arising out of acts committed against their persons or property during the period between April 13, 1861, and April 9, 1865, made its final award on the 25th day of September last. It was awarded that the Government of the United States should pay to the Government of Her Britannic Majesty, within twelve months from the date of the award, the sum of $1,929,819 in gold. The commission disallowed or dismissed all other claims of British subjects against the United States. The amount of the claims presented by the British Government, but disallowed or dismissed, is understood to be about $93,000,000. It also disallowed all the claims of citizens of the United States against Great Britain which were referred to it.

I recommend the early passage of an act appropriating the amount necessary to pay this award against the United States.

I have caused to be communicated to the Government of the King of Italy the thanks of this Government for the eminent services rendered by Count Corti as the third commissioner on this commission. With dignity, learning, and impartiality he discharged duties requiring great labor and constant patience, to the satisfaction, I believe, of both Governments. I recommend legislation to create a special court, to consist of three judges, who shall be empowered to hear and determine all claims of aliens upon the United States arising out of acts committed against their persons or property during the insurrection. The recent reference under the treaty of Washington was confined to claims of British subjects arising during the period named in the treaty; but it is understood that there are other British claims of a similar nature, arising after the 9th of April, 1865, and it is known that other claims of a like nature are advanced by citizens or subjects of other powers. It is desirable to have these claims also examined and disposed of.

Official information being received from the Dutch Government of a state of war between the King of the Netherlands and the Sultan of Acheen, the officers of the United States who were near the seat of the war were instructed to observe an impartial neutrality. It is believed that they have done so.

The joint commission under the convention with Mexico of 1868, having again been legally prolonged, has resumed its business, which, it is hoped, may be brought to an early conclusion. The distinguished representative of Her Britannic Majesty at Washington has kindly consented, with the approval of his Government, to assume the arduous and responsible duties of umpire in this commission, and to lend the weight of his character and name to such decisions as may not receive the acquiescence of both the arbitrators appointed by the respective Governments.

The commissioners appointed pursuant to the authority of Congress to examine into the nature and extent of the forays by trespassers from that country upon the herds of Texas have made a report, which will be submitted for your consideration.

The Venezuelan Government has been apprised of the sense of Congress in regard to the awards of the joint commission under the convention of 25th April, 1866, as expressed in the act of the 25th of February last.

It is apprehended that that Government does not realize the character of its obligations under that convention. As there is reason to believe, however, that its hesitancy in recognizing them springs, in part at least, from real difficulty in discharging them in connection with its obligations to other governments, the expediency of further forbearance on our part is believed to be worthy of your consideration.

The Ottoman Government and that of Egypt have latterly shown a disposition to relieve foreign consuls of the judicial powers which heretofore they have exercised in the Turkish dominions, by organizing other tribunals. As Congress, however, has by law provided for the discharge of judicial functions by consuls of the United States in that quarter under the treaty of 1830, I have not felt at liberty formally to accept the proposed change without the assent of Congress, whose decision upon the subject at as early a period as may be convenient is earnestly requested.

I transmit herewith, for the consideration and determination of Congress, an application of the Republic of Santo Domingo to this Government to exercise a protectorate over that Republic.

Since the adjournment of Congress the following treaties with foreign powers have been proclaimed: A naturalization convention with Denmark; a convention with Mexico for renewing the Claims Commission; a convention of friendship, commerce, and extradition with the Orange Free State, and a naturalization convention with Ecuador.

I renew the recommendation made in my message of December, 1870, that Congress authorize the Postmaster-General to issue all commissions to officials appointed through his Department.

I invite the earnest attention of Congress to the existing laws of the United States respecting expatriation and the election of nationality by individuals. Many citizens of the United States reside permanently abroad with their families. Under the provisions of the act approved February 10, 1855, the children of such persons are to be deemed and taken to be citizens of the United States, but the rights of citizenship are not to descend to persons whose fathers never resided in the United States.

It thus happens that persons who have never resided within the United States have been enabled to put forward a pretension to the protection of the United States against the claim to military service of the government under whose protection they were born and have been reared. In some cases even naturalized citizens of the United States have returned to the land of their birth, with intent to remain there, and their children, the issue of a marriage contracted there after their return, and who have never been in the United States, have laid claim to our protection when the lapse of many years had imposed upon them the duty of military service to the only government which had ever known them personally.

Until the year 1868 it was left, embarrassed by conflicting opinions of courts and of jurists, to determine how far the doctrine of perpetual allegiance derived from our former colonial relations with Great Britain was applicable to American citizens. Congress then wisely swept these doubts away by enacting that—

> Any declaration, instruction, opinion, order, or decision of any officer of this Government which denies, restricts, impairs, or questions the right of expatriation is inconsistent with the fundamental principles of this Government.

But Congress did not indicate in that statute, nor has it since done so, what acts are to be deemed to work expatriation. For my own guidance in determining such questions I required (under the provisions of the Constitution) the opinion in writing of the principal officer in each of the Executive Departments upon certain questions relating to this subject. The result satisfies me that further legislation has become necessary. I therefore commend the subject to the careful consideration of

Congress, and I transmit herewith copies of the several opinions of the principal officers of the Executive Departments, together with other correspondence and pertinent information on the same subject.

The United States, who led the way in the overthrow of the feudal doctrine of perpetual allegiance, are among the last to indicate how their own citizens may elect another nationality. The papers submitted herewith indicate what is necessary to place us on a par with other leading nations in liberality of legislation on this international question. We have already in our treaties assented to the principles which would need to be embodied in laws intended to accomplish such results. We have agreed that citizens of the United States may cease to be citizens and may voluntarily render allegiance to other powers. We have agreed that residence in a foreign land without intent to return, shall of itself work expatriation. We have agreed in some instances upon the length of time necessary for such continued residence to work a presumption of such intent. I invite Congress now to mark out and define when and how expatriation can be accomplished; to regulate by law the condition of American women marrying foreigners; to fix the status of children born in a foreign country of American parents residing more or less permanently abroad, and to make rules for determining such other kindred points as may seem best to Congress.

In compliance with the request of Congress, I transmitted to the American minister at Madrid, with instructions to present it to the Spanish Government, the joint resolution approved on the 3d of March last, tendering to the people of Spain, in the name and on the behalf of the American people, the congratulations of Congress upon the efforts to consolidate in Spain the principles of universal liberty in a republican form of government.

The existence of this new Republic was inaugurated by striking the fetters from the slaves in Porto Rico. This beneficent measure was followed by the release of several thousand persons illegally held as slaves in Cuba. Next, the Captain-General of that colony was deprived of the power to set aside the orders of his superiors at Madrid, which had pertained to the office since 1825. The sequestered estates of American citizens, which had been the cause of long and fruitless correspondence, were ordered to be restored to their owners. All these liberal steps were taken in the face of a violent opposition directed by the reactionary slaveholders of Havana, who are vainly striving to stay the march of ideas which has terminated slavery in Christendom, Cuba only excepted. Unhappily, however, this baneful influence has thus far succeeded in defeating the efforts of all liberal-minded men in Spain to abolish slavery in Cuba, and in preventing the promised reform in that island. The struggle for political supremacy continues there.

The proslavery and aristocratic party in Cuba is gradually arraigning itself in more and more open hostility and defiance of the home government, while it still maintains a political connection with the Republic in the peninsula; and although usurping and defying the authority of the home government whenever such usurpation or defiance tends in the direction of oppression or of the maintenance of abuses, it is still a power in Madrid, and is recognized by the Government. Thus an element more dangerous to continued colonial relations between Cuba and Spain than that which inspired the insurrection at Yara—an element opposed to granting any relief from misrule and abuse, with no aspirations after freedom, commanding no sympathies in generous breasts, aiming to rivet still stronger the shackles of slavery and oppression—has seized many of the emblems of power in Cuba, and, under professions of loyalty to the mother country, is exhausting the resources of the island, and is doing acts which are at variance with those principles of justice, of liberality, and of right which give nobility of character to a republic. In the interests of humanity, of civilization, and of progress, it is to be hoped that this evil influence may be soon averted.

The steamer *Virginius* was on the 26th day of September, 1870, duly registered at the port of New York as a part of the commercial marine of the United States. On the 4th of October, 1870, having received the certificate of her register in the usual legal form, she sailed from the port of New York and has not since been within the territorial jurisdiction of the United States. On the 31st day of October last, while sailing under the flag of the United States on the high seas, she was forcibly seized by the Spanish gunboat *Tornado*, and was carried into the port of Santiago de Cuba, where fifty-three of her passengers and crew were inhumanly, and, so far at least as relates to those who were citizens of the United States, without due process of law, put to death.

It is a well-established principle, asserted by the United States from the beginning of their national independence, recognized by Great Britain and other maritime powers, and stated by the Senate in a resolution passed unanimously on the 16th of June, 1858, that—

> American vessels on the high seas in time of peace, bearing the American flag, remain under the jurisdiction of the country to which they belong, and therefore any visitation, molestation, or detention of such vessel by force, or by the exhibition of force, on the part of a foreign power is in derogation of the sovereignty of the United States.

In accordance with this principle, the restoration of the *Virginius* and the surrender of the survivors of her passengers and crew, and a due reparation to the flag, and the punishment of the authorities who had been guilty of the illegal acts of violence, were demanded. The Spanish Government has recognized the justice of the demand, and has arranged for the immediate delivery of the vessel, and for the surrender of the survivors of the passengers and crew, and for a salute to the flag, and for proceedings looking to the punishment of those who may be proved to have been guilty of illegal acts of violence toward citizens of the United States.

and also toward indemnifying those who may be shown to be entitled to indemnity. A copy of a protocol of a conference between the Secretary of State and the Spanish minister, in which the terms of this arrangement were agreed to, is transmitted herewith.

The correspondence on this subject with the legation of the United States in Madrid was conducted in cipher and by cable, and needs the verification of the actual text of the correspondence. It has seemed to me to be due to the importance of the case not to submit this correspondence until the accurate text can be received by mail. It is expected shortly, and will be submitted when received.

In taking leave of this subject for the present I wish to renew the expression of my conviction that the existence of African slavery in Cuba is a principal cause of the lamentable condition of the island. I do not doubt that Congress shares with me the hope that it will soon be made to disappear, and that peace and prosperity may follow its abolition.

The embargoing of American estates in Cuba, cruelty to American citizens detected in no act of hostility to the Spanish Government, the murdering of prisoners taken with arms in their hands, and, finally, the capture upon the high seas of a vessel sailing under the United States flag and bearing a United States registry have culminated in an outburst of indignation that has seemed for a time to threaten war. Pending negotiations between the United States and the Government of Spain on the subject of this capture, I have authorized the Secretary of the Navy to put our Navy on a war footing, to the extent, at least, of the entire annual appropriation for that branch of the service, trusting to Congress and the public opinion of the American people to justify my action.

Assuming from the action of the last Congress in appointing a Committee on Privileges and Elections to prepare and report to this Congress a constitutional amendment to provide a better method of electing the President and Vice-President of the United States, and also from the necessity of such an amendment, that there will be submitted to the State legislatures for ratification such an improvement in our Constitution, I suggest two others for your consideration:

First. To authorize the Executive to approve of so much of any measure passing the two Houses of Congress as his judgment may dictate, without approving the whole, the disapproved portion or portions to be subjected to the same rules as now, to wit, to be referred back to the House in which the measure or measures originated, and, if passed by a two-thirds vote of the two Houses, then to become a law without the approval of the President. I would add to this a provision that there should be no legislation by Congress during the last twenty-four hours of its sitting, except upon vetoes, in order to give the Executive an opportunity to examine and approve or disapprove bills understandingly.

Second. To provide by amendment that when an extra session of

Congress is convened by Executive proclamation legislation during the continuance of such extra session shall be confined to such subjects as the Executive may bring before it from time to time in writing.

The advantages to be gained by these two amendments are too obvious for me to comment upon them. One session in each year is provided for by the Constitution, in which there are no restrictions as to the subjects of legislation by Congress. If more are required, it is always in the power of Congress, during their term of office, to provide for sessions at any time. The first of these amendments would protect the public against the many abuses and waste of public moneys which creep into appropriation bills and other important measures passing during the expiring hours of Congress, to which otherwise due consideration can not be given.

TREASURY DEPARTMENT.

The receipts of the Government from all sources for the last fiscal year were $333,738,204, and expenditures on all accounts $290,345,245, thus showing an excess of receipts over expenditures of $43,392,959. But it is not probable that this favorable exhibit will be shown for the present fiscal year. Indeed, it is very doubtful whether, except with great economy on the part of Congress in making appropriations and the same economy in administering the various Departments of Government, the revenues will not fall short of meeting actual expenses, including interest on the public debt.

I commend to Congress such economy, and point out two sources where it seems to me it might commence, to wit, in the appropriations for public buildings in the many cities where work has not yet been commenced; in the appropriations for river and harbor improvement in those localities where the improvements are of but little benefit to general commerce, and for fortifications.

There is a still more fruitful source of expenditure, which I will point out later in this message. I refer to the easy method of manufacturing claims for losses incurred in suppressing the late rebellion.

I would not be understood here as opposing the erection of good, substantial, and even ornamental buildings by the Government wherever such buildings are needed. In fact, I approve of the Government owning its own buildings in all sections of the country, and hope the day is not far distant when it will not only possess them, but will erect in the capital suitable residences for all persons who now receive commutation for quarters or rent at Government expense, and for the Cabinet, thus setting an example to the States which may induce them to erect buildings for their Senators. But I would have this work conducted at a time when the revenues of the country would abundantly justify it.

The revenues have materially fallen off for the first five months of the present fiscal year from what they were expected to produce, owing to the general panic now prevailing, which commenced about the middle of September last. The full effect of this disaster, if it should not prove a "blessing in disguise," is yet to be demonstrated. In either event it is your duty to heed the lesson and to provide by wise and well-considered legislation, as far as it lies in your power, against its recurrence, and to take advantage of all benefits that may have accrued.

My own judgment is that, however much individuals may have suffered, one long step has been taken toward specie payments; that we can never have permanent prosperity until a specie basis is reached; and that a specie basis can not be reached and maintained until our exports, exclusive of gold, pay for our imports, interest due abroad, and other specie obligations, or so nearly so as to leave an appreciable accumulation of the precious metals in the country from the products of our mines.

The development of the mines of precious metals during the past year and the prospective development of them for years to come are gratifying in their results. Could but one-half of the gold extracted from the mines be retained at home, our advance toward specie payments would be rapid.

To increase our exports sufficient currency is required to keep all the industries of the country employed. Without this national as well as individual bankruptcy must ensue. Undue inflation, on the other hand, while it might give temporary relief, would only lead to inflation of prices, the impossibility of competing in our own markets for the products of home skill and labor, and repeated renewals of present experiences. Elasticity to our circulating medium, therefore, and just enough of it to transact the legitimate business of the country and to keep all industries employed, is what is most to be desired. The exact medium is specie, the recognized medium of exchange the world over. That obtained, we shall have a currency of an exact degree of elasticity. If there be too much of it for the legitimate purposes of trade and commerce, it will flow out of the country. If too little, the reverse will result. To hold what we have and to appreciate our currency to that standard is the problem deserving of the most serious consideration of Congress.

The experience of the present panic has proven that the currency of the country, based, as it is, upon the credit of the country, is the best that has ever been devised. Usually in times of such trials currency has become worthless, or so much depreciated in value as to inflate the values of all the necessaries of life as compared with the currency. Everyone holding it has been anxious to dispose of it on any terms. Now we witness the reverse. Holders of currency hoard it as they did gold in former experiences of a like nature.

It is patent to the most casual observer that much more currency, or money, is required to transact the legitimate trade of the country during the fall and winter months, when the vast crops are being removed, than during the balance of the year. With our present system the amount in the country remains the same throughout the entire year, resulting in an accumulation of all the surplus capital of the country in a few centers when not employed in the moving of crops, tempted there by the offer of interest on call loans. Interest being paid, this surplus capital must earn this interest paid with a profit. Being subject to "call," it can not be loaned, only in part at best, to the merchant or manufacturer for a fixed term. Hence, no matter how much currency there might be in the country, it would be absorbed, prices keeping pace with the volume, and panics, stringency, and disasters would ever be recurring with the autumn. Elasticity in our monetary system, therefore, is the object to be attained first, and next to that, as far as possible, a prevention of the use of other people's money in stock and other species of speculation. To prevent the latter it seems to me that one great step would be taken by prohibiting the national banks from paying interest on deposits, by requiring them to hold their reserves in their own vaults, and by forcing them into resumption, though it would only be in legal-tender notes. For this purpose I would suggest the establishment of clearing houses for your consideration.

To secure the former many plans have been suggested, most, if not all, of which look to me more like inflation on the one hand, or compelling the Government, on the other, to pay interest, without corresponding benefits, upon the surplus funds of the country during the seasons when otherwise unemployed.

I submit for your consideration whether this difficulty might not be overcome by authorizing the Secretary of the Treasury to issue at any time to national banks of issue any amount of their own notes below a fixed percentage of their issue (say 40 per cent), upon the banks' depositing with the Treasurer of the United States an amount of Government bonds equal to the amount of notes demanded, the banks to forfeit to the Government, say, 4 per cent of the interest accruing on the bonds so pledged during the time they remain with the Treasurer as security for the increased circulation, the bonds so pledged to be redeemable by the banks at their pleasure, either in whole or in part, by returning their own bills for cancellation to an amount equal to the face of the bonds withdrawn. I would further suggest for your consideration the propriety of authorizing national banks to diminish their standing issue at pleasure, by returning for cancellation their own bills and withdrawing so many United States bonds as are pledged for the bills returned.

In view of the great actual contraction that has taken place in the currency and the comparative contraction continuously going on, due to the increase of population, increase of manufactories and all the industries, I do not believe there is too much of it now for the dullest period of the year. Indeed, if clearing houses should be established, thus forcing redemption it is a question for your consideration whether banking should not be made free, retaining all the safeguards now required to secure bill holders. In any modification of the present laws regulating national banks, as a further step toward preparing for resumption of specie payments, I invite your attention to a consideration of the propriety of exacting from them the retention as a part of their reserve either the whole or a part of the gold interest accruing upon the bonds pledged as security for their issue. I have not reflected enough on the bearing this might have in producing a scarcity of coin with which to pay duties on imports to give it my positive recommendation. But your attention is invited to the subject.

During the last four years the currency has been contracted, directly, by the withdrawal of 3 per cent certificates, compound-interest notes, and "seven-thirty" bonds outstanding on the 4th of March, 1869, all of which took the place of legal-tenders in the bank reserves to the extent of $63,000,000.

During the same period there has been a much larger comparative contraction of the currency. The population of the country has largely increased. More than 25,000 miles of railroad have been built, requiring the active use of capital to operate them. Millions of acres of land have been opened to cultivation, requiring capital to move the products. Manufactories have multiplied beyond all precedent in the same period of time, requiring capital weekly for the payment of wages and for the purchase of material; and probably the largest of all comparative contraction arises from the organizing of free labor in the South. Now every laborer there receives his wages, and, for want of savings banks, the greater part of such wages is carried in the pocket or hoarded until required for use.

These suggestions are thrown out for your consideration, without any recommendation that they shall be adopted literally, but hoping that the best method may be arrived at to secure such an elasticity of the currency as will keep employed all the industries of the country and prevent such an inflation as will put off indefinitely the resumption of specie payments, an object so devoutly to be wished for by all, and by none more earnestly than the class of people most directly interested—those who "earn their bread by the sweat of their brow." The decisions of Congress on this subject will have the hearty support of the Executive.

In previous messages I have called attention to the decline in American shipbuilding and recommended such legislation as would secure to us our proportion of the carrying trade. Stimulated by high rates and abundance of freight, the progress for the last year in shipbuilding has been very satisfactory. There has been an increase of about 3 per cent in the amount transported in American vessels over the amount of last year. With the reduced cost of material which has taken place, it may reasonably be hoped that this progress will be maintained, and even increased. However, as we pay about $80,000,000 per annum to foreign vessels for the transportation to a market of our surplus products, thus increasing the balance of trade against us to this amount, the subject is one worthy of your serious consideration.

"Cheap transportation" is a subject that has attracted the attention of both producers and consumers for the past few years, and has contributed to, if it has not been the direct cause of, the recent panic and stringency.

As Congress, at its last session, appointed a special committee to investigate this whole subject during the vacation and report at this session, I have nothing to recommend until their report is read.

There is one work, however, of a national character, in which the greater portion of the East and the West, the North and the South, are equally interested, to which I will invite your attention.

The State of New York has a canal connecting Lake Erie with tide water on the Hudson River. The State of Illinois has a similar work connecting Lake Michigan with navigable water on the Illinois River, thus making water communication inland between the East and the West and South. These great artificial water courses are the property of the States through which they pass, and pay toll to those States. Would it not be wise statesmanship to pledge these States that if they will open these canals for the passage of large vessels the General Government will look after and keep in navigable condition the great public highways with which they connect, to wit, the Overslaugh on the Hudson, the St. Clair Flats, and the Illinois and Mississippi rivers? This would be a national work; one of great value to the producers of the West and South in giving them cheap transportation for their produce to the seaboard and a market, and to the consumers in the East in giving them cheaper food, particularly of those articles of food which do not find a foreign market, and the prices of which, therefore, are not regulated by foreign demands. The advantages of such a work are too obvious for argument. I submit the subject to you, therefore, without further comment.

In attempting to regain our lost commerce and carrying trade I have heretofore called attention to the States south of us offering a field where much might be accomplished. To further this object I suggest that a small appropriation be made, accompanied with authority for the Secretary of the Navy to fit out a naval vessel to ascend the Amazon River to the mouth of the Madeira; thence to explore that river and its tributaries into Bolivia, and to report to Congress at its next session, or as soon as practicable, the accessibility of the country by water, its resources, and the population so reached. Such an exploration would cost but little; it can do no harm, and may result in establishing a trade of value to both nations.

In further connection with the Treasury Department I would recommend a revision and codification of the tariff laws and the opening of more mints for coining money, with authority to coin for such nations as may apply.

WAR DEPARTMENT.

The attention of Congress is invited to the recommendations contained in the report of the Secretary of War herewith accompanying.

The apparent great cost of supporting the Army is fully explained by this report, and I hope will receive your attention.

While inviting your general attention to all the recommendations made by the Secretary of War, there are two which I would especially invite you to consider: First, the importance of preparing for war in time of peace by providing proper armament for our seacoast defenses. Proper armament is of vastly more importance than fortifications. The latter can be supplied very speedily for temporary purposes when needed; the former can not. The second is the necessity of reopening promotion in the staff corps of the Army. Particularly is this necessity felt in the Medical, Pay, and Ordnance departments.

At this time it is necessary to employ "contract surgeons" to supply the necessary medical attendance required by the Army.

With the present force of the Pay Department it is now difficult to make the payments to troops provided for by law. Long delays in payments are productive of desertions and other demoralization, and the law prohibits the payment of troops by other than regular army paymasters.

There are now sixteen vacancies in the Ordnance Department, thus leaving that branch of the service without sufficient officers to conduct the business of the different arsenals on a large scale if ever required.

NAVY DEPARTMENT.

During the past year our Navy has been depleted by the sale of some vessels no longer fit for naval service and by the condemnation of others not yet disposed of. This, however, has been more than compensated for by the repair of six of the old wooden ships and by the building of eight new sloops of war, authorized by the last Congress. The building of these latter has occurred at a doubly fortunate time. They are about being completed at a time when they may possibly be much needed, and the work upon them has not only given direct employment to thousands of men, but has no doubt been the means of keeping open establishments for other work at a time of great financial distress.

Since the commencement of the last month, however, the distressing occurrences which have taken place in the waters of the Caribbean Sea, almost on our very seaboard, while they illustrate most forcibly the necessity always existing that a nation situated like ours should maintain in a state of possible efficiency a navy adequate to its responsibilities, has at the same time demanded that all the effective force we really have shall be put in immediate readiness for warlike service. This has been and is being done promptly and effectively, and I am assured that all the available ships and every authorized man of the American Navy will be ready for whatever action is required for the safety of our citizens or the maintenance of our honor. This, of course, will require the expenditure in a short time of some of the appropriations which were calculated to extend through the fiscal year, but Congress will, I doubt not, understand and appreciate the emergency, and will provide adequately not only for the present preparation, but for the future maintenance of our naval force. The Secretary of the Navy has during the past year been quietly putting some of our most effective monitors in condition for service, and thus the exigency finds us in a much better condition for work than we could possibly have been without his action.

POST-OFFICE DEPARTMENT.

A complete exhibit is presented in the accompanying report of the Postmaster-General of the operations of the Post-Office Department during the year. The ordinary postal revenues for the fiscal year ended June 30, 1873, amounted to $22,996,741.57, and the expenditures of all kinds to $29,084,945.67. The increase of revenues over 1872 was $1,081,315.20, and the increase of expenditures $2,426,753.36.

Independent of the payments made from special appropriations for mail steamship lines, the amount drawn from the General Treasury to meet deficiencies was $5,265,475. The constant and rapid extension of our postal service, particularly upon railways, and the improved facilities for the collection, transmission, distribution, and delivery of the mails which are constantly being provided account for the increased expenditures of this popular branch of the public service.

The total number of post-offices in operation on June 30, 1873, was 33,244, a net increase of 1,381 over the number reported the preceding year. The number of Presidential offices was 1,363, an increase of 163 during the year. The total length of railroad mail routes at the close of the year was 63,457 miles, an increase of 5,546 miles over the year 1872. Fifty-nine railway post-office lines were in operation June 30, 1873, extending over 14,866 miles of railroad routes and performing an aggregate service of 34,925 miles daily.

The number of letters exchanged with foreign countries was 27,459,185, an increase of 3,096,685 over the previous year, and the postage thereon amounted to $2,021,310.86. The total weight of correspondence exchanged in the mails with European countries exceeded 912 tons, an increase of 92 tons over the previous year. The total cost of the United States ocean steamship service, including $725,000 paid from special appropriations to subsidized lines of mail steamers, was $1,047,271.35.

New or additional postal conventions have been concluded with Sweden, Norway, Belgium, Germany, Canada, Newfoundland, and Japan, reducing postage rates on correspondence exchanged with those countries; and further efforts have been made to conclude a satisfactory postal convention with France, but without success.

I invite the favorable consideration of Congress to the suggestions and recommendations of the Postmaster-General for an extension of the free-delivery system in all cities having a population of not less than 10,000; for the prepayment of postage on newspapers and other printed matter of the second class; for a uniform postage and limit of weight on miscellaneous matter; for adjusting the compensation of all postmasters not appointed by the President, by the old method of commissions on the actual receipts of the office, instead of the present mode of fixing the salary in advance upon special returns; and especially do I urge favorable action by Congress on the important recommendations of the Postmaster-General for the establishment of United States postal savings depositories.

Your attention is also again called to a consideration of the question of postal telegraphs and the arguments adduced in support thereof, in the hope that you may take such action in connection therewith as in your judgment will most contribute to the best interests of the country.

DEPARTMENT OF JUSTICE.

Affairs in Utah require your early and special attention. The Supreme Court of the United States, in the case of Clinton *vs.* Englebrecht, decided that the United States marshal of that Territory could not lawfully summon jurors for the district courts; and those courts hold that the Territorial marshal can not lawfully perform that duty, because he is elected by the legislative assembly, and not appointed as provided for in the act organizing the Territory. All proceedings at law are practically abolished by these decisions, and there have been but few or no jury trials in the district courts of that Territory since the last session of Congress. Property is left without protection by the courts, and crimes go unpunished. To prevent anarchy there it is absolutely necessary that Congress provide the courts with some mode of obtaining jurors, and I recommend legislation to that end, and also that the probate courts of the Territory, now assuming to issue writs of injunction and *habeas corpus* and to try criminal cases and questions as to land titles, be denied all jurisdiction not possessed ordinarily by courts of that description.

I have become impressed with the belief that the act approved March 2, 1867, entitled "An act to establish a uniform system of bankruptcy throughout the United States," is productive of more evil than good at this time. Many considerations might be urged for its total repeal, but, if this is not considered advisable, I think it will not be seriously questioned that those portions of said act providing for what is called involuntary bankruptcy operate to increase the financial embarrassments of the country. Careful and prudent men very often become involved in debt in the transaction of their business, and though they may possess ample property, if it could be made available for that purpose, to meet all their liabilities, yet, on account of the extraordinary scarcity of money, they may be unable to meet all their pecuniary obligations as they become due, in consequence of which they are liable to be prostrated in their business by proceedings in bankruptcy at the instance of unrelenting creditors. People are now so easily alarmed as to monetary matters that the mere filing of a petition in bankruptcy by an unfriendly creditor will necessarily embarrass, and oftentimes accomplish the financial ruin, of a responsible business man. Those who otherwise might make lawful and just arrangements to relieve themselves from difficulties produced by the present stringency in money are prevented by their constant exposure to attack and disappointment by proceedings against them in bankruptcy, and, besides, the law is made use of in many cases by obdurate creditors to frighten or force debtors into a compliance with their wishes and into acts of injustice to other creditors and to themselves. I recommend that so much of said act as provides for involuntary bankruptcy on account of the suspension of payment be repealed.

Your careful attention is invited to the subject of claims against the Government and to the facilities afforded by existing laws for their prosecution. Each of the Departments of State, Treasury, and War has demands for many millions of dollars upon its files, and they are rapidly accumulating. To these may be added those now pending before Congress, the Court of Claims, and the Southern Claims Commission, making in the aggregate an immense sum. Most of these grow out of the rebellion, and are intended to indemnify persons on both sides for their losses during the war; and not a few of them are fabricated and supported by false testimony. Projects are on foot, it is believed, to induce Congress to provide for new classes of claims, and to revive old ones through the repeal or modification of the statute of limitations, by which they are now barred. I presume these schemes, if proposed, will be received with little favor by Congress, and I recommend that persons having claims against the United States cognizable by any tribunal or Department thereof be required to present them at an early day, and that legislation be directed as far as practicable to the defeat of unfounded and unjust demands upon the Government; and I would suggest, as a means of preventing fraud, that witnesses be called upon to appear in person to testify before those tribunals having said claims before them for adjudication. Probably the largest saving to the National Treasury can be secured by timely legislation on these subjects of any of the economic measures that will be proposed.

You will be advised of the operations of the Department of Justice by the report of the Attorney-General, and I invite your attention to the amendments of existing laws suggested bv him, with the view of reducing the expenses of that Department.

DEPARTMENT OF THE INTERIOR.

The policy inaugurated toward the Indians at the beginning of the last Administration has been steadily pursued, and, I believe, with beneficial results. It will be continued with only such modifications as time and experience may demonstrate as necessary.

With the encroachment of civilization upon the Indian reservations and hunting grounds, disturbances have taken place between the Indians and whites during the past year, and probably will continue to do so until each race appreciates that the other has rights which must be respected.

The policy has been to collect the Indians as rapidly as possible on reservations, and as far as practicable within what is known as the Indian Territory, and to teach them the arts of civilization and self-support. Where found off their reservations, and endangering the peace and safety of the whites, they have been punished, and will continue to be for like offenses.

The Indian Territory south of Kansas and west of Arkansas is sufficient in area and agricultural resources to support all the Indians east of the Rocky Mountains. In time, no doubt, all of them, except a few who may elect to make their homes among white people, will be collected there. As a preparatory step for this consummation, I am now satisfied that a Territorial form of government should be given them, which will secure the treaty rights of the original settlers and protect their homesteads from alienation for a period of twenty years.

The operations of the Patent Office are growing to such a magnitude and the accumulation of material is becoming so great that the necessity of more room is becoming more obvious day by day. I respectfully invite your attention to the reports of the Secretary of the Interior and Commissioner of Patents on this subject.

The business of the General Land Office exhibits a material increase in all its branches during the last fiscal year. During that time there were disposed of out of the public lands 13,030,606 acres, being an amount greater by 1,165,631 acres than was disposed of during the preceding year. Of the amount disposed of, 1,626,266 acres were sold for cash, 214,940 acres were located with military land warrants, 3,793,612 acres were taken for homesteads, 653,446 acres were located with agricultural-college scrip, 6,083,536 acres were certified by railroads, 76,576 acres were granted to wagon roads, 238,548 acres were approved to States as swamp lands, 138,681 acres were certified for agricultural colleges, common schools, universities, and seminaries, 190,775 acres were approved to States for internal improvements, and 14,222 acres were located with Indian scrip. The cash receipts during the same time were $3,408,515.50, being $190,415.50 in excess of the receipts of the previous year. During the year 30,488,132 acres of public land were surveyed, an increase over the amount surveyed the previous year of 1,037,193 acres, and, added to the area previously surveyed, aggregates 616,554,895 acres which have been surveyed, leaving 1,218,443,505 acres of the public land still unsurveyed.

The increased and steadily increasing facilities for reaching our unoccupied public domain and for the transportation of surplus products enlarge the available field for desirable homestead locations, thus stimulating settlement and extending year by year in a gradually increasing ratio the area of occupation and cultivation.

The expressed desire of the representatives of a large colony of citizens of Russia to emigrate to this country, as is understood, with the consent of their Government, if certain concessions can be made to enable them to settle in a compact colony, is of great interest, as going to show the light in which our institutions are regarded by an industrious, intelligent, and wealthy people, desirous of enjoying civil and religious liberty; and the acquisition of so large an immigration of citizens of a superior class would without doubt be of substantial benefit to the country. I invite attention to the suggestion of the Secretary of the Interior in this behalf.

There was paid during the last fiscal year for pensions, including the expense of disbursement, $29,185,289.62, being an amount less by $984,050.98 than was expended for the same purpose the preceding year. Although this statement of expenditures would indicate a material reduction in amount compared with the preceding year, it is believed that the changes in the pension laws at the last session of Congress will absorb that amount the current year. At the close of the last fiscal year there were on the pension rolls 99,804 invalid military pensioners and 112,088 widows, orphans, and dependent relatives of deceased soldiers, making a total of that class of 211,892; 18,266 survivors of the War of 1812 and 5,053 widows of soldiers of that war pensioned under the act of Congress of February 14, 1871, making a total of that class of 23,319; 1,430 invalid navy pensioners and 1,770 widows, orphans, and dependent relatives of deceased officers, sailors, and marines of the Navy, making a total of navy pensioners of 3,200, and a grand total of pensioners of all classes of 238,411, showing a net increase during the last fiscal year of 6,182. During the last year the names of 16,405 pensioners were added to the rolls, and 10,223 names were dropped therefrom for various causes.

The system adopted for the detection of frauds against the Government in the matter of pensions has been productive of satisfactory results, but legislation is needed to provide, if possible, against the perpetration of such frauds in future.

The evidently increasing interest in the cause of education is a most encouraging feature in the general progress and prosperity of the country, and the Bureau of Education is earnest in its efforts to give proper direction to the new appliances and increased facilities which are being offered to aid the educators of the country in their great work.

The Ninth Census has been completed, the report thereof published and distributed, and the working force of the Bureau disbanded. The Secretary of the Interior renews his recommendation for a census to be taken in 1875, to which subject the attention of Congress is invited. The original suggestion in that behalf has met with the general approval of the country; and even if it be not deemed advisable at present to provide for a regular quinquennial census, a census taken in 1875, the report of which could be completed and published before the one hundredth anniversary of our national independence, would be especially interesting and valuable, as showing the progress of the country during the first century of our national existence. It is believed, however, that a regular census every five years would be of substantial benefit to the country, inasmuch as our growth hitherto has been so rapid that the results of the decennial census are necessarily unreliable as a basis of estimates for the latter years of a decennial period.

DISTRICT OF COLUMBIA.

Under the very efficient management of the governor and the board of public works of this District the city of Washington is rapidly assuming the appearance of a capital of which the nation may well be proud. From being a most unsightly place three years ago, disagreeable to pass through in summer in consequence of the dust arising from unpaved streets, and almost impassable in the winter from the mud, it is now one of the most sightly cities in the country, and can boast of being the best paved.

The work has been done systematically, the plans, grades, location of sewers, water and gas mains being determined upon before the work was commenced, thus securing permanency when completed. I question whether so much has ever been accomplished before in any American city for the same expenditures. The Government having large reservations in the city, and the nation at large having an interest in their capital, I recommend a liberal policy toward the District of Columbia, and that the Government should bear its just share of the expense of these improvements. Every citizen visiting the capital feels a pride in its growing beauty, and that he too is part owner in the investments made here.

I would suggest to Congress the propriety of promoting the establishment in this District of an institution of learning, or university of the highest class, by the donation of lands. There is no place better suited for such an institution than the national capital. There is no other place in which every citizen is so directly interested.

CIVIL-SERVICE REFORM.

In three successive messages to Congress I have called attention to the subject of "civil-service reform."

Action has been taken so far as to authorize the appointment of a board to devise rules governing methods of making appointments and promotions, but there never has been any action making these rules, or any rules, binding, or even entitled to observance, where persons desire the appointment of a friend or the removal of an official who may be disagreeable to them.

To have any rules effective they must have the acquiescence of Congress as well as of the Executive. I commend, therefore, the subject to your attention, and suggest that a special committee of Congress might confer with the Civil-Service Board during the present session for the purpose of devising such rules as can be maintained, and which will secure the services of honest and capable officials, and which will also protect them in a degree of independence while in office.

Proper rules will protect Congress, as well as the Executive, from much needless persecution, and will prove of great value to the public at large.

I would recommend for your favorable consideration the passage of an enabling act for the admission of Colorado as a State in the Union. It possesses all the elements of a prosperous State, agricultural and mineral, and, I believe, has a population now to justify such admission. In connection with this I would also recommend the encouragement of a canal for purposes of irrigation from the eastern slope of the Rocky Mountains to the Missouri River. As a rule I am opposed to further donations of public lands for internal improvements owned and controlled by private corporations, but in this instance I would make an exception. Between the Missouri River and the Rocky Mountains there is an arid belt of public land from 300 to 500 miles in width, perfectly valueless for the occupation of man, for the want of sufficient rain to secure the growth of any product. An irrigating canal would make productive a belt as wide as the supply of water could be made to spread over across this entire country, and would secure a cordon of settlements connecting the present population of the mountain and mining regions with that of the older States. All the land reclaimed would be clear gain. If alternate sections are retained by the Government, I would suggest that the retained sections be thrown open to entry under the homestead laws, or sold to actual settlers for a very low price.

I renew my previous recommendation to Congress for general amnesty. The number engaged in the late rebellion yet laboring under disabilities is very small, but enough to keep up a constant irritation. No possible danger can accrue to the Government by restoring them to eligibility to hold office.

I suggest for your consideration the enactment of a law to better secure the civil rights which freedom should secure, but has not effectually secured, to the enfranchised slave.

U. S. GRANT.

SPECIAL MESSAGES.

WASHINGTON, *December 2, 1873*

To the Senate and House of Representatives:

I herewith transmit to Congress a report, dated the 2d instant, with accompanying papers,* received from the Secretary of State, in compliance with the requirements of the sixteenth and eighteenth sections of the act entitled "An act to regulate the diplomatic and consular systems of the United States," approved August 18, 1856.

U. S. GRANT.

WASHINGTON, *January 5, 1874*.

To the Senate of the United States:

I transmit, for the consideration of the Senate with a view to ratification, a convention for the surrender of criminals between the United States of America and the Republic of Honduras, which was signed at Comayagua on the 4th day of June, 1873.

U. S. GRANT.

WASHINGTON, *January 5, 1874*.

To the Senate and House of Representatives:

In my annual message of December last I gave reason to expect that when the full and accurate text of the correspondence relating to the steamer *Virginius*, which had been telegraphed in cipher, should be received the papers concerning the capture of the vessel, the execution of a part of its passengers and crew, and the restoration of the ship and the survivors would be transmitted to Congress.

In compliance with the expectations then held out, I now transmit the papers and correspondence on that subject.

On the 26th day of September, 1870, the *Virginius* was registered in the custom-house at New York as the property of a citizen of the United States, he having first made oath, as required by law, that he was "the true and only owner of the said vessel, and that there was no subject or citizen of any foreign prince or state, directly or indirectly, by way of trust, confidence, or otherwise, interested therein."

Having complied with the requisites of the statute in that behalf, she cleared in the usual way for the port of Curaçoa, and on or about the 4th day of October, 1870, sailed for that port. It is not disputed that she made the voyage according to her clearance, nor that from that day to this she has not returned within the territorial jurisdiction of the United States. It is also understood that she preserved her American papers, and that when within foreign ports she made the practice of putting forth a claim to American nationality, which was recognized by the authorities at such ports.

---

*Report of fees collected, etc., by consular officers of the United States for 1872, list of consular officers and their official residences, and tariff of consular fees.

When, therefore, she left the port of Kingston, in October last, under the flag of the United States, she would appear to have had, as against all powers except the United States, the right to fly that flag and to claim its protection, as enjoyed by all regularly documented vessels registered as part of our commercial marine.

No state of war existed conferring upon a maritime power the right to molest and detain upon the high seas a documented vessel, and it can not be pretended that the *Virginius* had placed herself without the pale of all law by acts of piracy against the human race.

If her papers were irregular or fraudulent, the offense was one against the laws of the United States, justiciable only in their tribunals.

When, therefore, it became known that the *Virginius* had been captured on the high seas by a Spanish man-of-war; that the American flag had been hauled down by the captors; that the vessel had been carried to a Spanish port, and that Spanish tribunals were taking jurisdiction over the persons of those found on her, and exercising that jurisdiction upon American citizens, not only in violation of the rules of international law, but in contravention of the provisions of the treaty of 1795, I directed a demand to be made upon Spain for the restoration of the vessel and for the return of the survivors to the protection of the United States, for a salute to the flag, and for the punishment of the offending parties.

The principles upon which these demands rested could not be seriously questioned, but it was suggested by the Spanish Government that there were grave doubts whether the *Virginius* was entitled to the character given her by her papers, and that therefore it might be proper for the United States, after the surrender of the vessel and the survivors, to dispense with the salute to the flag, should such fact be established to their satisfaction.

This seemed to be reasonable and just. I therefore assented to it, on the assurance that Spain would then declare that no insult to the flag of the United States had been intended.

I also authorized an agreement to be made that should it be shown to the satisfaction of this Government that the *Virginius* was improperly bearing the flag proceedings should be instituted in our courts for the punishment of the offense committed against the United States. On her part Spain undertook to proceed against those who had offended the sovereignty of the United States, or who had violated their treaty rights.

The surrender of the vessel and the survivors to the jurisdiction of the tribunals of the United States was an admission of the principles upon which our demands had been founded. I therefore had no hesitation in agreeing to the arrangement finally made between the two Governments—an arrangement which was moderate and just, and calculated to cement the good relations which have so long existed between Spain and the United States.

Under this agreement the *Virginius*, with the American flag flying, was delivered to the Navy of the United States at Bahia Honda, in the island of Cuba, on the 16th ultimo. She was then in an unseaworthy condition. In the passage to New York she encountered one of the most tempestuous of our winter storms. At the risk of their lives the officers and crew placed in charge of her attempted to keep her afloat. Their efforts were unavailing, and she sank off Cape Fear. The prisoners who survived the massacres were surrendered at Santiago de Cuba on the 18th ultimo, and reached the port of New York in safety.

The evidence submitted on the part of Spain to establish the fact that the *Virginius* at the time of her capture was improperly bearing the flag of the United States is transmitted herewith, together with the opinion of the Attorney-General thereon and a copy of the note of the Spanish minister, expressing on behalf of his Government a disclaimer of an intent of indignity to the flag of the United States.

U. S. GRANT.

WASHINGTON, *January 5, 1874.*

To the Senate of the United States:

I transmit, for the consideration of the Senate with a view to ratification, a convention between the United States of America and the Republic of Salvador, which was signed at San Salvador on the 12th of May last, stipulating for an extension of the period for exchanging the ratifications of the treaty of amity, commerce, and consular privileges concluded between the two countries on the 6th December, 1870.

U. S. GRANT.

WASHINGTON, *January 5, 1874.*

To the Senate of the United States:

I transmit, for the consideration of the Senate with a view to ratification, a convention between the United States of America and the Republic of Salvador, which was signed at San Salvador on the 12th of May last, for an extension of the period for exchanging the ratifications of the treaty for the extradition of criminals concluded between the two countries on the 23d of May, 1870.

U. S. GRANT.

WASHINGTON, *January 6, 1874.*

To the Senate of the United States:

I transmit to the Senate an "agreement," signed at Lima on the 5th of June last by Mr. Francis Thomas, envoy extraordinary and minister plenipotentiary of the United States, and Mr. José de la Riva Aguero, minister for foreign affairs of Peru, providing for an extension of the time for the exchange of the ratifications of the treaty of friendship, commerce, and navigation and the treaty of extradition between the United States and Peru of the 6th and 12th of September, 1870, respectively. The limit of the proposed extension is to be nine months from the time when the Senate of the United States may approve thereof. The expediency of this approval is consequently submitted to the consideration of the Senate. The instruments themselves were approved by that body on the 31st of March, 1871, and they were ratified by me in order that our ratifications might be ready for exchange for those of Peru. The omission of the latter seasonably to perform that act is understood to have been occasioned solely by the delay in the meeting of the Congress of that Republic, whose sanction, pursuant to its constitution, was necessary.

U. S. GRANT.

EXECUTIVE MANSION,
Washington, January 7, 1874.

To the House of Representatives:

In reply to the resolution of the House of Representatives of the 15th of last December, requesting a revision of the estimates for the expenses of the Government for the fiscal year ending June 30, 1875, I have the honor to transmit herewith amended estimates and replies from the several Departments.

U. S. GRANT.

EXECUTIVE MANSION, *January 8, 1874.*

To the Senate and House of Representatives:

In compliance with the act of Congress approved March 3, 1873, entitled "An act to authorize inquiries into the causes of steam-boiler explosions," I directed the Secretaries of the Treasury and Navy Departments to create a commission to conduct the experiments and collect the information contemplated by the act. Such a commission was created, and I have the honor to submit herewith a report of the result of their labors to the present time.

U. S. GRANT.

EXECUTIVE MANSION, *January 13, 1874.*

To the Senate of the United States:

Since nominating the Hon. Caleb Cushing for Chief Justice of the Supreme Court of the United States information has reached me which induces me to withdraw him from nomination as the highest judicial officer of the Government, and I do therefore hereby withdraw said nomination.

U. S. GRANT.

EXECUTIVE MANSION, *January 19, 1874*.

To the Senate of the United States:

In reply to the resolution of the Senate of the 8th instant, requesting information "relative to any unauthorized occupation or invasion of or encroachment upon the Indian Territory, so called, by individuals or bodies of men, in violation of treaty stipulations," I have the honor to submit herewith the reply of the Secretary of the Interior, to whom the resolution was referred.

U. S. GRANT.

WASHINGTON, *January 27, 1874*.

To the Senate of the United States:

I transmit, for the consideration of the Senate with a view to its ratification, a protocol relative to a claim on the Government of Chile in the case of the ship *Good Return*.

U. S. GRANT.

WASHINGTON, *February 6, 1874*.

To the House of Representatives:

I transmit to the House of Representatives, in answer to their resolution of the 16th ultimo, a report from the Secretary of State, with accompanying papers.*

U. S. GRANT.

WASHINGTON, *February 6, 1874*.

To the Senate and House of Representatives:

I transmit herewith a copy of a communication, dated the 22d ultimo, received from the governor of the State of New York, in which it is announced that, in accordance with the invitation of Congress as expressed in the act approved July 2, 1864, that State now presents for acceptance a bronze statue of George Clinton, deceased, one of its distinguished citizens.

U. S. GRANT.

EXECUTIVE MANSION,
Washington, February 9, 1874.

To the House of Representatives:

I have the honor to transmit herewith the report of the Secretary of the Department of the Interior, to whom was referred the resolution of the House of Representatives of January 7, requesting "a statement of the extent and nature of the contracts, purchases, and expenditures for the Indian service made since July 1, 1873, setting forth which, if any, of them were made or entered into without conference with the Board of Indian

---

*Correspondence relative to the refusal of the United States consul at Cadiz, Spain, to certify invoices of wine shipped from that port, etc.

Commissioners appointed by the President, and the extent and description of contracts and vouchers objected to by said board, stating to what extent payments have been made thereon against their remonstrance."

U. S. GRANT.

EXECUTIVE MANSION,
Washington, February 10, 1874.

To the House of Representatives:

I have the honor to transmit herewith reports from the Secretaries of the War Department and Department of the Interior, to whom were referred the resolutions of the House of Representatives of the 7th of January last, requesting "copies of all the correspondence between the different Departments of the Government and the peace commissioners during the war with the Modoc Indians in southern Oregon and northern California during the years 1872 and 1873; also copies of all the correspondence with and orders issued to the military authorities engaged in said war up to the period of the removal of said Modoc Indians from the States of Oregon and California."

U. S. GRANT

WASHINGTON, *February 17, 1874.*

To the Senate and House of Representatives:

I transmit herewith a communication from the Secretary of State and accompanying papers.*

U. S. GRANT.

EXECUTIVE MANSION, *February 19, 1874.*

To the Senate and House of Representatives:

I have the honor to transmit herewith a memorial upon the "cultivation of timber and the preservation of forests," and a draft of a joint resolution prepared by the American Association for the Advancement of Science, together with a communication from the Commissioner of the General Land Office upon the same subject.

U. S. GRANT.

EXECUTIVE MANSION,
Washington, February 25, 1874.

To the Senate and House of Representatives:

I have the honor herewith to submit the report of the Centennial Commissioners, and to add a word in the way of recommendation.

There have now been international expositions held by three of the great powers of Europe. It seems fitting that the one hundredth anniversary of our independence should be marked by an event that will display to the world the growth and progress of a nation devoted to freedom and to the pursuit of fame, fortune, and honors by the lowest citizen as well as the highest. A failure in this enterprise would be deplorable. Success can be assured by arousing public opinion to the importance of the occasion.

---

*Report of John M. Thacher, United States delegate to the International Patent Congress held at Vienna in August, 1873, and exhibits.

To secure this end, in my judgment, Congressional legislation is necessary to make the exposition both national and international.

The benefits to be derived from a successful international exposition are manifold. It will necessarily be accompanied by expenses beyond the receipts from the exposition itself, but they will be compensated for many fold by the commingling of people from all sections of our own country; by bringing together the people of different nationalities; by bringing into juxtaposition, for ready examination, our own and foreign skill and progress in manufactures, agriculture, art, science, and civilization.

The selection of the site for the exposition seems to me appropriate, from the fact that one hundred years before the date fixed for the exposition the Declaration of Independence, which launched us into the galaxy of nations as an independent people, emanated from the same spot.

We have much in our varied climate, soil, mineral products, and skill of which advantage can be taken by other nationalities to their profit. In return they will bring to our shores works of their skill and familiarize our people with them, to the mutual advantage of all parties.

Let us have a complete success in our Centennial Exposition or suppress it in its infancy, acknowledging our inability to give it the international character to which our self-esteem aspires.

U. S. GRANT.

EXECUTIVE MANSION,
Washington, D. C., March 4, 1874.

To the House of Representatives:

I have the honor to transmit herewith replies from the several Departments, in answer to a resolution of the House of Representatives of the 16th of January last, requesting a list of all expenses incurred by the various Departments for transportation of any matter which before the abolition of the franking privilege was carried in the mails.

U. S. GRANT.

WASHINGTON, *March 20, 1874.*

To the Senate of the United States:

I transmit herewith, for the consideration of the Senate and with a view to its ratification, a convention concluded between the United States and Belgium on the 19th March, 1874, concerning extradition.

U. S. GRANT

EXECUTIVE MANSION, *March 23, 1874*.

To the Senate and House of Representatives:

I have the honor to transmit herewith the report of the board of commissioners on the irrigation of the San Joaquin, Tulare, and Sacramento valleys, of the State of California, and also the original maps accompanying said report.

U. S. GRANT.

EXECUTIVE MANSION, *Washington, April 18, 1874*.

To the Senate and House of Representatives:

Herewith I transmit the report of the Civil Service Commission authorized by the act of Congress of March 3, 1871, and invite your special attention thereto.

If sustained by Congress, I have no doubt the rules can, after the experience gained, be so improved and enforced as to still more materially benefit the public service and relieve the Executive, members of Congress, and the heads of Departments from influences prejudicial to good administration.

The rules, as they have heretofore been enforced, have resulted beneficially, as is shown by the opinions of the members of the Cabinet and their subordinates in the Departments, and in that opinion I concur; but rules applicable to officers who are to be appointed by and with the advice and consent of the Senate are in great measure impracticable, except in so far as they may be sustained by the action of that body. This must necessarily remain so unless the direct sanction of the Senate is given to the rules.

I advise for the present only such appropriation as may be adequate to continue the work in its present form, and would leave to the future to determine whether the direct sanction of Congress should be given to rules that may, perhaps, be devised for regulating the method of selection of appointees, or a portion of them, who need to be confirmed by the Senate.

The same amount appropriated last year would be adequate for the coming year, but I think the public interest would be promoted by authority in the Executive for allowing a small compensation for special service performed beyond usual office hours, under the act of 1871, to persons already in the service of the Government.

U. S. GRANT.

WASHINGTON, *April 21, 1874*.

To the Senate and House of Representatives:

I transmit herewith to the Senate and House of Representatives a communication from the Secretary of State and the report by which it is accompanied, upon Samoan or Navigators Islands.

U. S. GRANT.

EXECUTIVE MANSION,
Washington, April 23, 1874.

To the House of Representatives:

I transmit herewith the papers called for by the resolution of the House of Representatives of the 20th instant, requesting all correspondence by telegraph or otherwise between the persons claiming to be governor of Arkansas and myself relating to the troubles in that State, together with copies of any order or directions given by me or under my direction to the military officer in charge of the garrison or in command of the United States troops at Little Rock.

U. S. GRANT.

EXECUTIVE MANSION,
Washington, April 28, 1874.

To the House of Representatives:

I have the honor to transmit herewith additional correspondence received since my communication of the 23d instant, in reply to the resolution of the House of Representatives of the 20th instant, requesting copies of correspondence between persons claiming to be governor of Arkansas and myself relating to troubles in that State.

U. S. GRANT.

EXECUTIVE MANSION,
Washington, April 30, 1874.

To the House of Representatives:

In pursuance of the resolution of the House of Representatives of the 15th instant, requesting to be informed "what geographical and geological surveys under different Departments and branches of the Government are operating in the same and contiguous areas of territory west of the Mississippi River, and whether it be not practicable to consolidate them under one Department or to define the geographical limits to be embraced by each," I have the honor to transmit herewith the views of the officers of the War and Interior Departments on the subjects named in the said resolution, and invite attention thereto.

Where surveys are made with the view of sectionizing the public lands, preparatory to opening them for settlement or entry, there is no question but such surveys and all work connected therewith should be under the direct control of the Interior Department or the Commissioner of the General Land Office, subject to the supervision of the Secretary of the Interior. But where the object is to complete the map of the country; to determine the geographical, astronomical, geodetic, topographic, hydrographic, meteorological, geological, and mineralogical features of the country—in other words, to collect full information of the unexplored or but partially known portions of the country—it seems to me a matter of no importance as to which Department of the Government should have control of the work. The conditions which should control this subject are, in my judgment, first, which Department is prepared to do the work best; second, which can do it the most expeditiously and economically.

As the country to be explored is occupied in great part by uncivilized Indians, all parties engaged in the work at hand must be supplied with escorts from the Army, thus placing a large portion of the expense upon the War Department; and as the Engineer Corps of the Army is composed of scientific gentlemen, educated and practiced for just the kind of work to be done, and as they are under pay whether employed in this work or not, it would seem that the second condition named would be more fully complied with by employing them to do the work. There is but little doubt that they will accomplish it as promptly and as well, and much more economically.

U. S. GRANT.

WASHINGTON, *May 19, 1874*.

To the House of Representatives:

I transmit herewith, in answer to the resolution of the House of Representatives of the 9th instant, a report[*] from the Secretary of State, with accompanying papers.

U. S. GRANT.

WASHINGTON, *May 25, 1874*.

To the Senate and House of Representatives:

In response to the resolution of the Senate of the 15th instant, I have the honor to transmit herewith "all papers and correspondence relating to the troubles in the State of Arkansas not heretofore communicated to either House of Congress."

U. S. GRANT.

WASHINGTON, *May 25, 1874*.

To the Senate and House of Representatives:

I have the honor to transmit, in response to the resolution of the Senate of the 18th instant, requesting "the answers in full received by the Civil Service Commission in reply to their circular addressed to the various heads of Departments and bureaus requesting a report as to the operation and effect of the civil-service rules in the several Departments and offices," a copy of a letter received from the chairman of the Civil Service Commission, to whom the resolution was referred.

U. S. GRANT.

---

[*] Relating to the involuntary deportation to the United States of foreign convicts, paupers, idiots, insane persons, etc., and transmitting correspondence relative thereto.

WASHINGTON, *May 26, 1874.*

To the Senate of the United States:

I transmit herewith a report from the Secretary of State, and accompanying it copies of all papers on file or on record in the Department of State respecting the claim on Brazil concerning the *Caroline.*

U. S. GRANT.

WASHINGTON, *May 26, 1874.*

To the Senate and House of Representatives:

I transmit to the Senate and House of Representatives a communication from the Secretary of State and a copy of the report of the commissioners to inquire into depredations on the frontiers of Texas, by which it is accompanied.

U. S. GRANT.

WASHINGTON, *June 15, 1874.*

To the Senate of the United States:

I transmit, for the consideration of the Senate with a view to ratification, a declaration respecting trade-marks between the United States and the Emperor of Russia, concluded and signed at St. Petersburg on the 16/28 day of March last.

U. S. GRANT.

WASHINGTON, *June 18, 1874.*

To the Senate of the United States:

The plenipotentiaries of Her Britannic Majesty at Washington have submitted to the Secretary of State, for my consideration, a draft of a treaty for the reciprocal regulation of the commerce and trade between the United States and Canada, with provisions for the enlargement of the Canadian canals and for their use by United States vessels on terms of equality with British vessels. I transmit herewith a report from the Secretary of State, with a copy of the draft thus proposed.

I am of the opinion that a proper treaty for such purposes would result beneficially for the United States. It would not only open or enlarge markets for our products, but it would increase the facilities of transportation from the grain-growing States of the West to the seaboard.

The proposed draft has many features to commend it to our favorable consideration; but whether it makes all the concessions which could justly be required of Great Britain, or whether it calls for more concessions from the United States than we should yield, I am not prepared to say.

Among its provisions are articles proposing to dispense with the arbitration respecting the fisheries, which was provided for by the treaty of Washington, in the event of the conclusion and ratification of a treaty and the passage of all the necessary legislation to enforce it.

These provisions, as well as other considerations, make it desirable that this subject should receive attention before the close of the present session. I therefore express an earnest wish that the Senate may be able to consider and determine before the adjournment of Congress whether it will give its constitutional concurrence to the conclusion of a treaty with Great Britain for the purposes already named, either in such form as is proposed by the British plenipotentiaries or in such other more acceptable form as the Senate may prefer.

U. S. GRANT.

WASHINGTON, *June 18, 1874.*

To the Senate and House of Representatives:

I transmit herewith a report from the Secretary of State and its accompanying papers.*

U. S. GRANT.

EXECUTIVE MANSION, *Washington, June 20, 1874.*

To the Senate and House of Representatives:

I respectfully invite the attention of Congress to one feature of the bill entitled "An act for the government of the District of Columbia, and for other purposes." Provision is therein made for the payment of the debts of the District in bonds to be issued by the sinking-fund commissioners, running fifty years and bearing interest at the rate of 3.65 per cent per annum, with the payment of the principal and interest guaranteed by the United States.

The government by which these debts were created is abolished, and no other provision seems to be made for their payment. Judging from the transactions in other bonds, there are good grounds, in my opinion, for the apprehension that bonds bearing this rate of interest when issued will be worth much less than their equivalent in the current money of the United States. This appears to me to be unjust to those to whom these bonds are to be paid, and, to the extent of the difference between their face and real value, looks like repudiating the debts of the District. My opinion is that to require creditors of the District of Columbia to receive these bonds at par when it is apparent that to be converted into money they must be sold at a large discount will not only prove greatly injurious to the credit of the District, but will reflect unfavorably upon the credit and good faith of the United States.

I would recommend, therefore, that provision be made at the present session of Congress to increase the interest upon these bonds, so that when sold they will bring an equivalent in money, and that the Secretary of the Treasury be authorized to negotiate the sale of these bonds at not less than par and pay the proceeds thereof to those who may be ascertained to have valid claims against the District of Columbia.

U. S. GRANT.

---

*Report of the United States delegates to the eighth session of the International Statistical Congress, held at St. Petersburg, Russia, in August, 1872, and appendix.

VETO MESSAGES.

EXECUTIVE MANSION,
Washington, April 10, 1874.

To the House of Representatives:

I have the honor to herewith return to you without my approval House bill No. 1224, entitled "An act for the relief of William H. Denniston, late an acting second lieutenant, Seventieth New York Volunteers," for the reasons set forth in the accompanying letter of the Secretary of War.

U. S. GRANT.

WAR DEPARTMENT,
Washington, D. C., April 8, 1874.

The PRESIDENT.

SIR: I have the honor to return House bill No. 1224, "for the relief of William H. Denniston, late an acting second lieutenant, Seventieth New York Volunteers," with the remark that the name of William H. Denniston, as an officer or private, is not borne on any rolls of the Seventieth New York Volunteers on file in the Department. Of this fact the Committee on Military Affairs of the House of Representatives was informed by letter from the Adjutant-General's Office dated December 19, 1873.

No vacancy existed in Company D (the company claimed) of this regiment for a second lieutenant during the period claimed, Second Lieutenant J. B. Zeigler having filled that position to May 6, 1862, and Second Lieutenant James Stevenson from that date to June 25, 1862. On regimental return for July, 1862, Edward Shields is reported promoted second lieutenant June 15, 1862.

There is no evidence in the Department that he actually served as a second lieutenant for the time covered by the bill herewith, and it is therefore respectfully recommended that the bill be returned to the House of Representatives without approval.

When the records of the War Department, prepared under laws and regulations having in view the establishment and preservation of data necessary to the protection of the public interests as well as that of the claimants, fail to show service, it is a subject of importance to legalize a claim wherein the military department of the Government has not seen the order under which the alleged service may have been claimed. A precedent of the kind is beyond doubt an injury to the public interest, and will tend to other special acts of relief under which thousands of muster rolls certified at the date, under the Articles of War, as exhibiting the true state of the command will be invalidated, and large appropriations of money will be required to settle claims the justness of which can not always be determined at a date so remote from their origin.

Very respectfully, your obedient servant,

WM. W. BELKNAP,
Secretary of War.

EXECUTIVE MANSION, *April 22, 1874.*

To the Senate of the United States:

Herewith I return Senate bill No. 617, entitled "An act to fix the amount of United States notes and the circulation of national banks, and for other purposes," without my approval.

In doing so I must express my regret at not being able to give my assent to a measure which has received the sanction of a majority of the legislators chosen by the people to make laws for their guidance, and I have studiously sought to find sufficient arguments to justify such assent, but unsuccessfully.

Practically it is a question whether the measure under discussion would give an additional dollar to the irredeemable paper currency of the country or not, and whether by requiring three-fourths of the reserve to be retained by the banks and prohibiting interest to be received on the balance it might not prove a contraction.

But the fact can not be concealed that theoretically the bill increases the paper circulation $100,000,000, less only the amount of reserves restrained from circulation by the provision of the second section. The measure has been supported on the theory that it would give increased circulation. It is a fair inference, therefore, that if in practice the measure should fail to create the abundance of circulation expected of it the friends of the measure, particularly those out of Congress, would clamor for such inflation as would give the expected relief.

The theory, in my belief, is a departure from true principles of finance, national interest, national obligations to creditors, Congressional promises, party pledges (on the part of both political parties), and of personal views and promises made by me in every annual message sent to Congress and in each inaugural address.

In my annual message to Congress in December, 1869, the following passages appear:

> Among the evils growing out of the rebellion, and not yet referred to, is that of an irredeemable currency. It is an evil which I hope will receive your most earnest attention. It is a duty, and one of the highest duties, of Government to secure to the citizen a medium of exchange of fixed, unvarying value. This implies a return to a specie basis, and no substitute for it can be devised. It should be commenced now and reached at the earliest practicable moment consistent with a fair regard to the interests of the debtor class. Immediate resumption, if practicable, would not be desirable. It would compel the debtor class to pay, beyond their contracts, the premium on gold at the date of their purchase, and would bring bankruptcy and ruin to thousands. Fluctuation, however, in the paper value of the measure of all values (gold) is detrimental to the interests of trade. It makes the man of business an involuntary gambler, for in all sales where future payment is to be made both parties speculate as to what will be the value of the currency to be paid and received. I earnestly recommend to you, then, such legislation as will insure a gradual return to specie payments and put an immediate stop to fluctuations in the value of currency.

I still adhere to the views then expressed.

As early as December 4, 1865, the House of Representatives passed a resolution, by a vote of 144 yeas to 6 nays, concurring "in the views of the Secretary of the Treasury in relation to the necessity of a contraction of the currency, with a view to as early a resumption of specie payments as the business interests of the country will permit," and pledging "cooperative action to this end as speedily as possible."

The first act passed by the Forty-first Congress, [approved] on the 18th day of March, 1869, was as follows:

AN ACT to strengthen the public credit.

Be it enacted, etc., That in order to remove any doubt as to the purpose of the Government to discharge all just obligations to the public creditors, and to settle conflicting questions and interpretations of the law by virtue of which such obligations have been contracted, it is hereby provided and declared that the faith of the United States is solemnly pledged to the payment in coin or its equivalent of all the obligations of the United States not bearing interest, known as United States notes, and all the interest-bearing obligations of the United States, except in cases where the law authorizing the issue of any such obligation has expressly provided that the same may be paid in lawful money or in other currency than gold and silver; but none of the said interest-bearing obligations not already due shall be redeemed or paid before maturity unless at such time United States notes shall be convertible into coin at the option of the holder, or unless at such time bonds of the United States bearing a lower rate of interest than the bonds to be redeemed can be sold at par in coin. And the United States also solemnly pledges its faith to make provision at the earliest practicable period for the redemption of the United States notes in coin.

This act still remains as a continuing pledge of the faith of the United States "to make provision at the earliest practicable period for the redemption of the United States notes in coin."

A declaration contained in the act of June 30, 1864, created an obligation that the total amount of United States notes issued or to be issued should never exceed $400,000,000. The amount in actual circulation was actually reduced to $356,000,000, at which point Congress passed the act of February 4, 1868, suspending the further reduction of the currency. The forty-four millions have ever been regarded as a reserve, to be used only in case of emergency, such as has occurred on several occasions, and must occur when from any cause revenues suddenly fall below expenditures; and such a reserve is necessary, because the fractional currency, amounting to fifty millions, is redeemable in legal tender on call.

It may be said that such a return of fractional currency for redemption is impossible; but let steps be taken for a return to a specie basis and it will be found that silver will take the place of fractional currency as rapidly as it can be supplied, when the premium on gold reaches a sufficiently low point. With the amount of United States notes to be issued permanently fixed within proper limits and the Treasury so strengthened as to be able to redeem them in coin on demand it will then be safe to inaugurate a system of free banking with such provisions as to make compulsory redemption of the circulating notes of the banks in coin, or in United States notes, themselves redeemable and made equivalent to coin.

As a measure preparatory to free banking, and for placing the Government in a condition to redeem its notes in coin "at the earliest practicable period," the revenues of the country should be increased so as to pay current expenses, provide for the sinking fund required by law, and also a surplus to be retained in the Treasury in gold.

I am not a believer in any artificial method of making paper money equal to coin when the coin is not owned or held ready to redeem the promises to pay, for paper money is nothing more than promises to pay, and is valuable exactly in proportion to the amount of coin that it can be converted into. While coin is not used as a circulating medium, or the currency of the country is not convertible into it at par, it becomes an article of commerce as much as any other product. The surplus will seek a foreign market as will any other surplus. The balance of trade has nothing to do with the question. Duties on imports being required in coin creates a limited demand for gold. About enough to satisfy that demand remains in the country. To increase this supply I see no way open but by the Government hoarding through the means above given, and possibly by requiring the national banks to aid.

It is claimed by the advocates of the measure herewith returned that there is an unequal distribution of the banking capital of the country. I was disposed to give great weight to this view of the question at first, but on reflection it will be remembered that there still remains $4,000,000 of authorized bank-note circulation assigned to States having less than their quota not yet taken. In addition to this the States having less than their quota of bank circulation have the option of twenty-five millions more to be taken from those States having more than their proportion. When this is all taken up, or when specie payments are fully restored or are in rapid process of restoration, will be the time to consider the question of "more currency."

U. S. GRANT.

EXECUTIVE MANSION,
Washington, May 12, 1874.

To the House of Representatives:

I return herewith without my signature House bill No. 1331, entitled "An act for the relief of Joab Spencer and James R. Mead for supplies furnished the Kansas tribe of Indians." I withheld my approval of said bill for reasons which satisfy me the claim should not be allowed for the entire amount stated in the bill, and which are set forth in the letter of the Secretary of the Interior of the 7th instant, a copy of which, with the accompanying papers, is herewith transmitted.

U. S. GRANT.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., May 7, 1874.

The PRESIDENT.

SIR: I have the honor to return herewith engrossed bill H. R. 1331, entitled "An act for the relief of Joab Spencer and James R. Mead for supplies furnished the Kansas tribe of Indians," and to state that said bill was the subject of a report made to the Department by the Commissioner of Indian Affairs on the 11th ultimo, with which he submitted letters from Enoch Hoag, superintendent of Indian affairs, and Mahlon Stubbs, Indian agent, representing that the justness and correctness of the claim of Spencer & Mead had not been established, and suggesting that further proceedings in the premises be deferred until a thorough investigation of the facts and circumstances of the case could be had.

The suggestion of the Indian agent received the concurrence of the Commissioner of Indian Affairs and the approval of this Department, and on the 17th ultimo the attention of Congress was invited to the subject in a letter addressed to the Speaker of the House of Representatives by the Secretary of the Interior. At the latter date the bill appears to have been pending in the Senate, of which fact this Department at that time was not informed.

On the 5th instant the engrossed bill (H. R. No. 1331) was received by reference from the Executive Office, and forwarded to the Commissioner of Indian Affairs for a further report on the subject, and on the 6th instant that officer returned said bill to this Department with a letter presenting his views in relation to the matter and suggesting that the rights of the Indians and of Messrs. Spencer & Mead would be fully protected by a modification of the bill authorizing the Secretary of the Interior to pay such amount of their claim as might be found to be due. The suggestion meets the approval of this Department.

Copies of the papers connected with this claim are herewith submitted.*

I have the honor to be, very respectfully, your obedient servant,

B. R. COWEN,
Acting Secretary.

PROCLAMATIONS.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas certain turbulent and disorderly persons, pretending that Elisha Baxter, the present executive of Arkansas, was not elected, have combined together with force and arms to resist his authority as such executive and other authorities of said State; and

Whereas said Elisha Baxter has been declared duly elected by the general assembly of said State, as provided in the constitution thereof, and has for a long period been exercising the functions of said office, into which he was inducted according to the constitution and laws of said State, and ought by its citizens to be considered as the lawful executive thereof; and

Whereas it is provided in the Constitution of the United States that the United States shall protect every State in the Union, on application of the legislature, or of the executive when the legislature can not be convened, against domestic violence; and

Whereas said Elisha Baxter, under section 4 of Article IV of the Constitution of the United States and the laws passed in pursuance thereof, has heretofore made application to me to protect said State and the citizens thereof against domestic violence; and

---

*Omitted.

Whereas the general assembly of said State was convened in extra session at the capital thereof on the 11th instant, pursuant to a call made by said Elisha Baxter, and both houses thereof have passed a joint resolution also applying to me to protect the State against domestic violence; and

Whereas it is provided in the laws of the United States that in all cases of insurrection in any State or of obstruction to the laws thereof it shall be lawful for the President of the United States, on application of the legislature of such State, or of the executive when the legislature can not be convened, to employ such part of the land and naval forces as shall be judged necessary for the purpose of suppressing such insurrection or causing the laws to be duly executed; and

Whereas it is required that whenever it may be necessary, in the judgment of the President, to use the military force for the purpose aforesaid, he shall forthwith, by proclamation, command such insurgents to disperse and retire peaceably to their respective homes within a limited time:

Now, therefore, I, Ulysses S. Grant, President of the United States, do hereby make proclamation and command all turbulent and disorderly persons to disperse and retire peaceably to their respective abodes within ten days from this date, and hereafter to submit themselves to the lawful authority of said executive and the other constituted authorities of said State; and I invoke the aid and cooperation of all good citizens thereof to uphold law and preserve public peace.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 15th day of May, A. D. 1874, and of the Independence of the United States the ninety-eighth.

U. S. GRANT.

By the President:

HAMILTON FISH, *Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas by the thirty-third article of a treaty concluded at Washington on the 8th day of May, 1871, between the United States and Her Britannic Majesty, it was provided that—

> Articles XVIII to XXV, inclusive, and Article XXX of this treaty shall take effect as soon as the laws required to carry them into operation shall have been passed by the Imperial Parliament of Great Britain, by the parliament of Canada, and by the legislature of Prince Edwards Island on the one hand, and by the Congress of the United States on the other.

And whereas it is provided by Article XXXII of the treaty aforesaid that—

> The provisions and stipulations of Articles XVIII to XXV of this treaty, inclusive, shall extend to the colony of Newfoundland so far as they are applicable. But if the Imperial Parliament, the legislature of Newfoundland, or the Congress of the United States shall not embrace the colony of Newfoundland in their laws enacted for carrying the foregoing articles into effect, then this article shall be of no effect; but the omission to make provision by law to give it effect, by either of the legislative bodies aforesaid, shall not in any way impair any other articles of this treaty.

And whereas by the second section of an act entitled "An act to carry into effect the provisions of the treaty between the United States and Great Britain signed in the city of Washington the 8th day of May, 1871, relating to the fisheries," it is provided—

> That whenever the colony of Newfoundland shall give its consent to the application of the stipulations and provisions of the said articles eighteenth to twenty-fifth of said treaty, inclusive, to that colony, and the legislature thereof and the Imperial Parliament shall pass the necessary laws for that purpose, the above-enumerated articles, being the produce of the fisheries of the colony of Newfoundland, shall be admitted into the United States free of duty from and after the date of a proclamation by the President of the United States declaring that he has satisfactory evidence that the said colony of Newfoundland has consented, in a due and proper manner, to have the provisions of the said articles eighteenth to twenty-fifth, inclusive, of the said treaty extended to it, and to allow the United States the full benefits of all the stipulations therein contained, and shall be so admitted free of duty so long as the said articles eighteenth to twenty-fifth, inclusive, and article thirtieth of said treaty shall remain in force according to the terms and conditions of article thirty-third of said treaty.

And whereas the Secretary of State of the United States and Her Britannic Majesty's envoy extraordinary and minister plenipotentiary at Washington have recorded in a protocol of a conference held by them at the Department of State in Washington on the 28th day of May, 1874, in the following language:

PROTOCOL OF A CONFERENCE HELD AT WASHINGTON ON THE 28TH DAY OF MAY, 1874.

Whereas it is provided by Article XXXII of the treaty between the United States of America and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland signed at Washington on the 8th of May, 1871, as follows:

"ARTICLE XXXII.

"It is further agreed that the provisions and stipulations of Articles XVIII to XXV of this treaty, inclusive, shall extend to the colony of Newfoundland so far as they are applicable. But if the Imperial Parliament, the legislature of Newfoundland, or the Congress of the United States shall not embrace the colony of Newfoundland in their laws enacted for carrying the foregoing articles into effect, then this article shall be of no effect; but the omission to make provision by law to give it effect, by either of the legislative bodies aforesaid, shall not in any way impair any other articles of this treaty;" and

Whereas an act was passed by the Senate and House of Representatives of the

United States of America in Congress assembled, and approved on the 1st day of March, 1873, by the President of the United States, entitled "An act to carry into effect the provisions of the treaty between the United States and Great Britain signed in the city of Washington the 8th of May, 1871, relating to fisheries," by which act it is provided:

"SEC. 2. That whenever the colony of Newfoundland shall give its consent to the application of the stipulations and provisions of the said articles eighteenth to twenty-fifth of said treaty, inclusive, to that colony, and the legislature thereof and the Imperial Parliament shall pass the necessary laws for that purpose, the above-enumerated articles, being the produce of the fisheries of the colony of Newfoundland, shall be admitted into the United States free of duty from and after the date of a proclamation by the President of the United States declaring that he has satisfactory evidence that the said colony of Newfoundland has consented, in a due and proper manner, to have the provisions of the said articles eighteenth to twenty-fifth, inclusive, of the said treaty extended to it, and to allow the United States the full benefits of all the stipulations therein contained, and shall be so admitted free of duty so long as the said articles eighteenth to twenty-fifth, inclusive, and article thirtieth of said treaty shall remain in force according to the terms and conditions of article thirty-third of said treaty;" and

Whereas an act was passed by the governor, legislative council, and assembly of Newfoundland, in legislative session convened, in the thirty-seventh year of Her Majesty's reign, and assented to by Her Majesty on the 12th day of May, 1874, intituled "An act to carry into effect the provisions of the treaty of Washington as far as they relate to this colony:"

The undersigned, Hamilton Fish, Secretary of State of the United States, and the Right Hon. Sir Edward Thornton, one of Her Majesty's most honorable privy council, knight commander of the most honorable Order of the Bath, Her Britannic Majesty's envoy extraordinary and minister plenipotentiary to the United States of America, duly authorized for this purpose by their respective Governments, having met together at Washington, and having found that the laws required to carry the Articles XVIII to XXV, inclusive, and Articles XXX and XXXII of the treaty aforesaid into operation have been passed by the Congress of the United States on the one part, and by the Imperial Parliament of Great Britain, by the parliament of Canada, and by the legislature of Prince Edwards Island and the legislature of Newfoundland on the other, hereby declare that Articles XVIII to XXV, inclusive, and Article XXX of the treaty between the United States of America and Her Britannic Majesty shall take effect in accordance with Article XXXIII of said treaty between the citizens of the United States of America and Her Majesty's subjects in the colony of Newfoundland on the 1st day of June next.

In witness whereof the undersigned have signed this protocol and have hereunto affixed their seals.

Done in duplicate at Washington, this 28th day of May, 1874.

[SEAL.] HAMILTON FISH.
[SEAL.] EDWD. THORNTON.

Now, therefore, I, Ulysses S. Grant, President of the United States of America, in pursuance of the premises, do hereby declare that I have received satisfactory evidence that the Imperial Parliament of Great Britain and the legislature of Newfoundland have passed laws on their part to give full effect to the provisions of the said treaty as contained in articles eighteenth to twenty-fifth, inclusive, and article thirtieth of said treaty.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 29th day of May, A. D. 1874, and of the Independence of the United States of America the ninety-eighth.

U. S. GRANT.

By the President:

HAMILTON FISH, *Secretary of State*.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas it has been satisfactorily represented to me that turbulent and disorderly persons have combined together with force and arms to overthrow the State government of Louisiana and to resist the laws and constituted authorities of said State: and

Whereas it is provided in the Constitution of the United States that the United States shall protect every State in this Union, on application of the legislature, or of the executive when the legislature can not be convened, against domestic violence; and

Whereas it is provided in the laws of the United States that in all cases of insurrection in any State or of obstruction to the laws thereof it shall be lawful for the President of the United States, on application of the legislature of such State, or of the executive when the legislature can not be convened, to call forth the militia of any other State or States, or to employ such part of the land and naval forces as shall be judged necessary, for the purpose of suppressing such insurrection or causing the laws to be duly executed; and

Whereas the legislature of said State is not now in session and can not be convened in time to meet the present emergency, and the executive of said State, under section 4 of Article IV of the Constitution of the United States and the laws passed in pursuance thereof, has therefore made application to me for such part of the military force of the United States as may be necessary and adequate to protect said State and the citizens thereof against domestic violence and to enforce the due execution of the laws; and

Whereas it is required that whenever it may be necessary, in the judgment of the President, to use the military force for the purpose aforesaid, he shall forthwith, by proclamation, command such insurgents to disperse and retire peaceably to their respective homes within a limited time:

Now, therefore, I, Ulysses S. Grant, President of the United States, do hereby make proclamation and command said turbulent and disorderly persons to disperse and retire peaceably to their respective abodes within five days from this date, and hereafter to submit themselves to the laws and constituted authorities of said State; and I invoke the aid and cooperation of all good citizens thereof to uphold law and preserve the public peace.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 15th day of September, A. D. 1874, and of the Independence of the United States the ninety-ninth.

U. S. GRANT.

By the President:

HAMILTON FISH, *Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

We are reminded by the changing seasons that it is time to pause in our daily avocations and offer thanks to Almighty God for the mercies and abundance of the year which is drawing to a close.

The blessings of free government continue to be vouchsafed to us; the earth has responded to the labor of the husbandman; the land has been free from pestilence; internal order is being maintained, and peace with other powers has prevailed.

It is fitting that at stated periods we should cease from our accustomed pursuits and from the turmoil of our daily lives and unite in thankfulness for the blessings of the past and in the cultivation of kindly feelings toward each other.

Now, therefore, recognizing these considerations, I, Ulysses S. Grant, President of the United States, do recommend to all citizens to assemble in their respective places of worship on Thursday, the 26th day of November next, and express their thanks for the mercy and favor of Almighty God, and, laying aside all political contentions and all secular occupations, to observe such day as a day of rest, thanksgiving, and praise.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 27th day of October, A. D. 1874, and of the Independence of the United States the ninety-ninth.

U. S. GRANT.

By the President:

HAMILTON FISH, *Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas, pursuant to the second section of the act of Congress approved the 23d of March last, entitled "An act to authorize the President to accept for citizens of the United States the jurisdiction of certain tribunals in the Ottoman dominions and Egypt, established or to be established under the authority of the Sublime Porte and of the Government of Egypt,'' the President is authorized, for the benefit of American citizens residing in the Turkish dominions, to accept the recent law of the Ottoman Porte ceding the right of foreigners possessing immovable property in said dominions; and

Whereas, pursuant to the authority thus in me vested, I have authorized George H. Boker, accredited as minister resident of the United States to the Ottoman Porte, to sign on behalf of this Government the protocol accepting the law aforesaid of the said Ottoman Porte, which protocol and law are, word for word, as follows:

[Translation.]

The United States of America and His Majesty the Sultan being desirous to establish by a special act the agreement entered upon between them regarding the admission of American citizens to the right of holding real estate granted to foreigners by the law promulgated on the 7th of Sepher, 1284 (January 18, 1867), have authorized:

The President of the United States of America, George H. Boker, minister resident of the United States of America near the Sublime Porte, and

His Imperial Majesty the Sultan, His Excellency A. Aarifi Pasha, his minister of foreign affairs, to sign the protocol which follows:

PROTOCOL.

The law granting foreigners the right of holding real estate does not interfere with the immunities specified by the treaties, and which will continue to protect the person and the movable property of foreigners who may become owners of real estate.

As the exercise of this right of possessing real property may induce foreigners to establish themselves in larger numbers in the Ottoman Empire, the Imperial Government thinks it proper to anticipate and to prevent the difficulties to which the application of this law may give rise in certain localities. Such is the object of the arrangements which follow:

The domicile of any person residing upon the Ottoman soil being inviolable, and as no one can enter it without the consent of the owner, except by virtue of orders emanating from competent authority and with the assistance of the magistrate or functionary invested with the necessary powers, the residence of foreigners is inviolable on the same principle, in conformity with the treaties, and the agents of the public force can not enter it without the assistance of the consul or of the delegate of the consul of the power on which the foreigner depends.

By residence we understand the house of inhabitation and its dependencies; that is to say, the outhouses, courts, gardens, and neighboring inclosures, to the exclusion of all other parts of the property.

In the localities distant by less than nine hours' journey from the consular residence, the agents of the public force can not enter the residence of a foreigner without the assistance of a consul, as was before said.

On his part the consul is bound to give his immediate assistance to the local authority so as not to let six hours elapse between the moment which he may be informed and the moment of his departure or the departure of his delegate, so that the action of the authorities may never be suspended more than twenty-four hours.

In the localities distant by nine hours or more than nine hours of travel from the residence of the consular agent, the agents of the public force may, on the request of the local authority, and with the assistance of three members of the council of the elders of the commune, enter into the residence of a foreigner without being assisted by the consular agent, but only in case of urgency and for the search and the proof of the crime of murder, of attempt at murder, of incendiarism, of armed robbery either with infraction or by night in an inhabited house, of armed rebellion, and of the fabrication of counterfeit money; and this entry may be made whether the crime was committed by a foreigner or by an Ottoman subject, and whether it took place in the residence of a foreigner or not in his residence, or in any other place.

These regulations are not applicable but to the parts of the real estate which constitute the residence, as it has been heretofore defined.

Beyond the residence the action of the police shall be exercised freely and without reserve; but in case a person charged with crime or offense should be arrested, and the accused shall be a foreigner, the immunities attached to his person shall be observed in respect to him.

The functionary or the officer charged with the accomplishment of a domiciliary visit in the exceptional circumstances determined before, and the members of the council of elders who shall assist him, will be obliged to make out a *procès verbal* of the domiciliary visit and to communicate it immediately to the superior authority under whose jurisdiction they are, and the latter shall transmit it to the nearest consular agent without delay.

A special regulation will be promulgated by the Sublime Porte to determine the mode of action of the local police in the several cases provided heretofore.

In localities more distant than nine hours' travel from the residence of the consular agent, in which the law of the judicial organization of the *velayet* may be in force, foreigners shall be tried without the assistance of the consular delegate by the council of elders fulfilling the function of justices of the peace, and by the tribunal of the canton, as well for actions not exceeding 1,000 piasters as for offenses entailing a fine of 500 piasters only at the maximum.

Foreigners shall have in any case the right of appeal to the tribunal of the arrondissement against the judgments issued as above stated, and the appeal shall be followed and judged with the assistance of the consul in conformity with the treaties.

The appeal shall always suspend the execution of a sentence.

In all cases the forcible execution of the judgments, issued on the conditions determined heretofore, shall not take place without the cooperation of the consul or of his delegate.

The Imperial Government will enact a law which shall determine the rules of procedure to be observed by the parties in the application of the preceding regulations.

Foreigners, in whatever locality they may be, may freely submit themselves to the jurisdiction of the council of elders or of the tribunal of the canton without the assistance of the consul in cases which do not exceed the competency of these councils or tribunals, reserving always the right of appeal before the tribunal of the arrondissement, where the case may be brought and tried with the assistance of the consul or his delegate.

The consent of a foreigner to be tried as above stated, without the assistance of his consul, shall always be given in writing and in advance of all procedure.

It is well understood that all these restrictions do not concern cases which have for their object questions of real estate, which shall be tried and determined under the conditions established by the law.

The right of defense and the publicity of the hearings shall be assured in all cases to foreigners who may appear before the Ottoman tribunals, as well as to Ottoman subjects.

The preceding dispositions shall remain in force until the revision of the ancient treaties, a revision which the Sublime Porte reserves to itself the right to bring about hereafter by an understanding between it and the friendly powers.

In witness whereof the respective plenipotentiaries have signed the protocol and have affixed thereto their seals.

Done at Constantinople the 11th of August, 1874.

[SEAL.] (Signed) A. AARIFI.
[SEAL.] (Signed) GEO. H. BOKER.

[Translation.]

LAW CONCEDING TO FOREIGNERS THE RIGHT OF HOLDING REAL ESTATE IN THE OTTOMAN EMPIRE.

Imperial Rescript.—Let it be done in conformity with the contents. 7 Sepher, 1284 (January 18, 1867).

With the object of developing the prosperity of the country, to put an end to the difficulties, to the abuses, and to the uncertainties which have arisen on the subject of the right of foreigners to hold property in the Ottoman Empire, and to complete in accordance with a precise regulation, the safeguards which are due to financial interests and to administrative action, the following legislative enactments have been promulgated by the order of His Imperial Majesty the Sultan:

ARTICLE I. Foreigners are admitted by the same privilege as Ottoman subjects, and without any other restriction, to enjoy the right of holding real estate, whether in the city or the country, throughout the Empire, with the exception of the Province of the Hédjaz, by submitting themselves to the laws and the regulations which govern Ottoman subjects as is hereafter stated.

This arrangement does not concern subjects of Ottoman birth who have changed their nationality, who shall be governed in this matter by a special law.

ART. II. Foreigners, proprietors of real estate in town or in country, are in consequence placed upon terms of equality with Ottoman subjects in all things that concern their landed property.

The legal effect of this equality is—

First. To oblige them to conform to all the laws and regulations of the police or of the municipality which govern at present or may govern hereafter the enjoyment, the transmission, the alienation, and the hypothecation of landed property.

Second. To pay all charges and taxes, under whatever form or denomination they may be, that are levied, or may be levied hereafter, upon city or country property.

Third. To render them directly amenable to the Ottoman civil tribunals in all questions relating to landed property and in all real actions, whether as plaintiffs or as defendants, even when either party is a foreigner. In short, they are in all things to hold real estate by the same title, on the same condition, and under the same forms as Ottoman owners, and without being able to avail themselves of their personal nationality, except under the reserve of the immunities attached to their persons and their movable goods, according to the treaties.

ART. III. In case of the bankruptcy of a foreigner possessing real estate, the assignees of the bankrupt may apply to the authorities and to the Ottoman civil tribunals requiring the sale of the real estate possessed by the bankrupt, and which by its nature and according to law is responsible for the debts of the owner.

The same course shall be followed when a foreigner shall have obtained against another foreigner owning real estate a judgment of condemnation before a foreign tribunal.

For the execution of this judgment against the real estate of his debtor he shall apply to the competent Ottoman authorities in order to obtain the sale of that real estate which is responsible for the debts of the owner; and this judgment shall be executed by the Ottoman authorities and tribunals only after they have decided that the real estate of which the sale is required really belongs to the category of that property which may be sold for the payment of debt.

ART. IV. Foreigners have the privilege to dispose, by donation or by testament, of that real estate of which such disposition is permitted by law.

As to that real estate of which they may not have disposed or of which the law does not permit them to dispose by gift or testament, its succession shall be governed in accordance with Ottoman law.

ART. V. All foreigners shall enjoy the privileges of the present law as soon as the powers on which they depend shall agree to the arrangements proposed by the Sublime Porte for the exercise of the right to hold real estate.

Now, therefore, be it known that I, Ulysses S. Grant, President of the United States of America, have caused the said protocol and law to be made public for the information and guidance of citizens of the United States.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 29th day of October, A. D. 1874, and of the Independence of the United States of America the ninety-ninth.

U. S. GRANT.

By the President:

HAMILTON FISH,

Secretary of State.

EXECUTIVE ORDERS.

BY THE PRESIDENT OF THE UNITED STATES.

EXECUTIVE ORDER.

WASHINGTON, *January 23, 1874.*

Whereas it has been brought to the notice of the President of the United States that in the International Exhibition of Arts, Manufactures, and Products of the Soil and Mine to be held in the city of Philadelphia in the year 1876 for the purpose of celebrating the one hundredth anniversary of the independence of the United States it is desirable that from the Executive Departments of the Government of the United States in which there may be articles suitable for the purpose intended there should appear such articles and materials as will, when presented in a collective exhibition, illustrate the functions and administrative faculties of the Government in time of peace and its resources as a war power, and thereby serve to demonstrate the nature of our institutions and their adaptations to the wants of the people:

Now, for the purpose of securing a complete and harmonious arrangement of the articles and materials designed to be exhibited from the

Executive Departments of the Government, it is ordered that a board to be composed of one person to be named by the head of each of the Executive Departments which may have articles and materials to be exhibited, and also of one person to be named in behalf of the Smithsonian Institution and one to be named in behalf of the Department of Agriculture, be charged with the preparation, arrangement, and safe-keeping of such articles and materials as the heads of the several Departments and the Commissioner of Agriculture and the Director of the Smithsonian Institution may respectively decide shall be embraced in the collection; that one of the persons thus named, to be designated by the President, shall be chairman of such board, and that the board appoint from their own number such other officers as they may think necessary; and that the said board when organized be authorized, under the direction of the President, to confer with the executive officers of the Centennial Exhibition in relation to such matters connected with the subject as may pertain to the respective Departments having articles and materials on exhibition; and that the names of the persons thus selected by the heads of the several Departments, the Commissioner of Agriculture, and the Director of the Smithsonian Institution shall be submitted to the President for designation.

By order of the President:

HAMILTON FISH,
Secretary of State.

GENERAL ORDERS, NO. 22.

WAR DEPARTMENT,
ADJUTANT-GENERAL'S OFFICE,
Washington, March 9, 1874.

I. The following order has been received from the President of the United States:

EXECUTIVE MANSION,
Washington, March 9, 1874.

It is with deep regret that the President announces to the people of the United States the death of Millard Fillmore, one of his honored predecessors, who died at Buffalo, N. Y., last evening.

The long-continued and useful public service and eminent purity of character of the deceased ex-President will be remembered beyond the days of mourning in which a nation will be thrown by the event which is thus announced.

As a mark of respect to his memory, it is ordered that the Executive Mansion and the several Departments at Washington be draped in mourning until the close of the day on which the funeral shall take place, and that all business be suspended on the day of the funeral.

It is further ordered that the War and Navy Departments cause suitable military and naval honors to be paid on the occasion to the memory of the eminent citizen whose life is now closed.

U. S. GRANT.

By the President:

HAMILTON FISH, *Secretary of State.*

II. In compliance with the President's instructions, the troops will be paraded at 10 o'clock a. m. on the day after the receipt of this order at each military post, when the order will be read to them, and the labors of that day will thereafter cease.

The national flag will be displayed at half-staff.

At dawn of day thirteen guns will be fired, and afterwards at intervals of thirty minutes between the rising and setting sun a single gun, and at the close of the day a national salute of thirty-seven guns.

The officers of the Army will wear crape on the left arm and on their swords and the colors of the several regiments will be put in mourning for the period of thirty days.

By order of the Secretary of War:

E. D. TOWNSEND, *Adjutant-General.*

SPECIAL ORDER.

NAVY DEPARTMENT,
Washington, March 9, 1874.

The President of the United States announces the death of ex-President Millard Fillmore in the following order:

[For order see preceding page.]

In pursuance of the foregoing order, it is hereby directed that the ensign at each naval station and of each vessel of the United States Navy in commission be hoisted at half-mast from sunrise to sunset, and that a gun be fired at intervals of every half hour from sunrise to sunset at each naval station and on board of flagships and of vessels acting singly, on Thursday, the 12th instant, the day of the funeral, where this order may be received in time, otherwise on the day after its receipt.

The officers of the Navy and Marine Corps will wear the usual badge of mourning attached to the sword hilt and on the left arm for the period of thirty days.

GEO. M. ROBESON,
Secretary of the Navy.

EXECUTIVE MANSION,
Washington, D. C., May 27, 1874.

SIR:* The President directs me to say that the several Departments of the Government will be closed on the 30th instant, in order to enable the employees to participate in the decoration of the graves of the soldiers who fell during the rebellion.

---

*Addressed to the heads of the Executive Departments, etc.

I am, sir, your obedient servant,

O. E. BABCOCK,
Secretary.

WASHINGTON, *May 29, 1874.*

The Civil Service Commission, at its sessions at Washington, having recommended certain rules* to be prescribed by the President for the government of the Light-House Service of the United States, these rules as herewith published are approved, and their provisions will be enforced by the proper officers.

U. S. GRANT.

AUGUST 31, 1874.

It appearing to me from their trial at Washington and at the city of New York that the further extension of the civil-service rules will promote the efficiency of the public service, it is ordered that such rules be, and they are hereby, extended to the several Federal offices at the city and in the customs district of Boston, and that the proper measures be taken for carrying this order into effect.

U. S. GRANT.

SIXTH ANNUAL MESSAGE.

EXECUTIVE MANSION, *December 7, 1874.*

To the Senate and House of Representatives:

Since the convening of Congress one year ago the nation has undergone a prostration in business and industries such as has not been witnessed with us for many years. Speculation as to the causes for this prostration might be indulged in without profit, because as many theories would be advanced as there would be independent writers—those who expressed their own views without borrowing—upon the subject. Without indulging in theories as to the cause of this prostration, therefore, I will call your attention only to the fact, and to some plain questions as to which it would seem there should be no disagreement.

During this prostration two essential elements of prosperity have been most abundant—labor and capital. Both have been largely unemployed. Where security has been undoubted, capital has been attainable at very moderate rates. Where labor has been wanted, it has been found in abundance, at cheap rates compared with what—of necessaries and comforts of life—could be purchased with the wages demanded. Two great elements of prosperity, therefore, have not been denied us. A third might be added: Our soil and climate are unequaled, within the limits of any contiguous territory under one nationality, for its variety of products to feed and clothe a people and in the amount of surplus to spare to feed less favored peoples. Therefore, with these facts in view, it seems to me that wise statesmanship, at this session of Congress, would dictate legislation ignoring the past; directing in proper channels these great elements of prosperity to any people. Debt, debt abroad, is the only element that can, with always a sound currency, enter into our affairs to cause any continued depression in the industries and prosperity of our people.

---

*Omitted.

A great conflict for national existence made necessary, for temporary purposes, the raising of large sums of money from whatever source attainable. It made it necessary, in the wisdom of Congress—and I do not doubt their wisdom in the premises, regarding the necessity of the times—to devise a system of national currency which it proved to be impossible to keep on a par with the recognized currency of the civilized world. This begot a spirit of speculation involving an extravagance and luxury not required for the happiness or prosperity of a people, and involving, both directly and indirectly, foreign indebtedness. The currency, being of fluctuating value, and therefore unsafe to hold for legitimate transactions requiring money, became a subject of speculation within itself. These two causes, however, have involved us in a foreign indebtedness, contracted in good faith by borrower and lender, which should be paid in coin, and according to the bond agreed upon when the debt was contracted—gold or its equivalent. The good faith of the Government can not be violated toward creditors without national disgrace. But our commerce should be encouraged; American shipbuilding and carrying capacity increased; foreign markets sought for products of the soil and manufactories, to the end that we may be able to pay these debts. Where a new market can be created for the sale of our products, either of the soil, the mine, or the manufactory, a new means is discovered of utilizing our idle capital and labor to the advantage of the whole people. But, in my judgment, the first step toward accomplishing this object is to secure a currency of fixed, stable value; a currency good wherever civilization reigns; one which, if it becomes superabundant with one people, will find a market with some other; a currency which has as its basis the labor necessary to produce it, which will give to it its value. Gold and silver are now the recognized medium of exchange the civilized world over, and to this we should return with the least practicable delay. In view of the pledges of the American Congress when our present legal-tender system was adopted, and debt contracted, there should be no delay—certainly no unnecessary delay—in fixing by legislation a method by which we will return to specie. To the accomplishment of this end I invite your special attention. I believe firmly that there can be no prosperous and permanent revival of business and industries until a policy is adopted—with legislation to carry it out—looking to a return to a specie basis. It is easy to conceive that the debtor and speculative classes may think it of value to them to make so-called money abundant until they can throw a portion of their burdens upon others. But even these, I believe, would be disappointed in the result if a course should be pursued which will keep in doubt the value of the legal-tender medium of exchange. A revival of productive industry is needed by all classes; by none more than the holders of property, of whatever sort, with debts to liquidate from realization upon its sale. But admitting that these two classes of citizens are to be benefited by expansion, would it be honest to give it? Would not the general loss be too great to justify such relief? Would it not be just as honest and prudent to authorize each debtor to issue his own legal-tenders to the extent of his liabilities? Than to do this, would it not be safer, for fear of overissues by unscrupulous creditors, to say that all debt obligations are obliterated in the United States, and now we commence anew, each possessing all he has at the time free from incumbrance? These propositions are too absurd to be entertained for a moment by thinking or honest people. Yet every delay in preparation for final resumption partakes of this dishonesty, and is only less in degree as the hope is held out that a convenient season will at last arrive for the good work of redeeming our pledges to commence. It will never come, in my opinion, except by positive action by Congress, or by national disasters which will destroy, for a time at least, the credit of the individual and the State at large. A sound currency might be reached by total bankruptcy and discredit of the integrity of the nation and of individuals. I believe it is in the power of Congress at this session to devise such legislation as will renew confidence, revive all the industries, start us on a career of prosperity to last for many years and to save the credit of the nation and of the people. Steps toward the return to a specie basis are the great requisites to this devoutly to be sought for end. There are others which I may touch upon hereafter.

A nation dealing in a currency below that of specie in value labors under two great disadvantages: First, having no use for the world's acknowledged medium of exchange, gold and silver, these are driven out of the country because there is no need for their use; second, the medium of exchange in use being of a fluctuating value—for, after all, it is only worth just what it will purchase of gold and silver, metals having an intrinsic value just in proportion to the honest labor it takes to produce them—a larger margin must be allowed for profit by the manufacturer and producer. It is months from the date of production to the date of realization. Interest upon capital must be charged, and risk of fluctuation in the value of that which is to be received in payment added. Hence high prices, acting as a protection to the foreign producer, who receives nothing in exchange for the products of his skill and labor except a currency good, at a stable value, the world over. It seems to me that nothing is clearer than that the greater part of the burden of existing prostration, for the want of a sound financial system, falls upon the working man, who must after all produce the wealth, and the salaried man, who superintends and conducts business. The burden falls upon them in two ways—by the deprivation of employment and by the decreased purchasing power of their salaries. It is the duty of Congress to devise the method of correcting the evils which are acknowledged to exist, and not mine. But I will venture to suggest two or three things which seem to me as absolutely necessary to a return to specie payments, the first great requisite in a return to prosperity. The legal-tender clause to the law authorizing the issue of currency by the National Government should be repealed, to take effect as to all contracts entered into after a day fixed in the repealing act—not to apply, however, to payments of salaries by Government, or for other expenditures now provided by law to be paid in currency, in the interval pending between repeal and final resumption. Provision should be made by which the Secretary of the Treasury can obtain gold as it may become necessary from time to time from the date when specie redemption commences. To this might and should be added a revenue sufficiently in excess of expenses to insure an accumulation of gold in the Treasury to sustain permanent redemption.

I commend this subject to your careful consideration, believing that a favorable solution is attainable, and if reached by this Congress that the present and future generations will ever gratefully remember it as their deliverer from a thraldom of evil and disgrace.

With resumption, free banking may be authorized with safety, giving the same full protection to bill holders which they have under existing laws. Indeed, I would regard free banking as essential. It would give proper elasticity to the currency. As more currency should be required for the transaction of legitimate business, new banks would be started, and in turn banks would wind up their business when it was found that there was a superabundance of currency. The experience and judgment of the people can best decide just how much currency is required for the transaction of the business of the country. It is unsafe to leave the settlement of this question to Congress, the Secretary of the Treasury, or the Executive. Congress should make the regulation under which banks may exist, but should not make banking a monopoly by limiting the amount of redeemable paper currency that shall be authorized. Such importance do I attach to this subject, and so earnestly do I commend it to your attention, that I give it prominence by introducing it at the beginning of this message.

During the past year nothing has occurred to disturb the general friendly and cordial relations of the United States with other powers.

The correspondence submitted herewith between this Government and its diplomatic representatives, as also with the representatives of other countries, shows a satisfactory condition of all questions between the

United States and the most of those countries, and with few exceptions, to which reference is hereafter made, the absence of any points of difference to be adjusted.

The notice directed by the resolution of Congress of June 17, 1874, to be given to terminate the convention of July 17, 1858, between the United States and Belgium has been given, and the treaty will accordingly terminate on the 1st day of July, 1875. This convention secured to certain Belgian vessels entering the ports of the United States exceptional privileges which are not accorded to our own vessels. Other features of the convention have proved satisfactory, and have tended to the cultivation of mutually beneficial commercial intercourse and friendly relations between the two countries. I hope that negotiations which have been invited will result in the celebration of another treaty which may tend to the interests of both countries.

Our relations with China continue to be friendly. During the past year the fear of hostilities between China and Japan, growing out of the landing of an armed force upon the island of Formosa by the latter, has occasioned uneasiness. It is earnestly hoped, however, that the difficulties arising from this cause will be adjusted, and that the advance of civilization in these Empires may not be retarded by a state of war. In consequence of the part taken by certain citizens of the United States in this expedition, our representatives in those countries have been instructed to impress upon the Governments of China and Japan the firm intention of this country to maintain strict neutrality in the event of hostilities, and to carefully prevent any infraction of law on the part of our citizens.

In connection with this subject I call the attention of Congress to a generally conceded fact—that the great proportion of the Chinese immigrants who come to our shores do not come voluntarily, to make their homes with us and their labor productive of general prosperity, but come under contracts with headmen, who own them almost absolutely. In a worse form does this apply to Chinese women. Hardly a perceptible percentage of them perform any honorable labor, but they are brought for shameful purposes, to the disgrace of the communities where settled and to the great demoralization of the youth of those localities. If this evil practice can be legislated against, it will be my pleasure as well as duty to enforce any regulation to secure so desirable an end.

It is hoped that negotiations between the Government of Japan and the treaty powers, looking to the further opening of the Empire and to the removal of various restrictions upon trade and travel, may soon produce the results desired, which can not fail to inure to the benefit of all the parties. Having on previous occasions submitted to the consideration of Congress the propriety of the release of the Japanese Government from the further payment of the indemnity under the convention of October 22, 1864, and as no action had been taken thereon, it became my duty to regard the obligations of the convention as in force; and as the other powers interested had received their portion of the indemnity in full, the minister of the United States in Japan has, in behalf of this Government, received the remainder of the amount due to the United States under the convention of Simonosaki. I submit the propriety of applying the income of a part, if not of the whole, of this fund to the education in the Japanese language of a number of young men to be under obligations to serve the Government for a specified time as interpreters at the legation and the consulates in Japan. A limited number of Japanese youths might at the same time be educated in our own vernacular, and mutual benefits would result to both Governments. The importance of having our own citizens, competent and familiar with the language of Japan, to act as interpreters and in other capacities connected with the legation and the consulates in that country can not readily be overestimated.

The amount awarded to the Government of Great Britain by the mixed commission organized under the provisions of the treaty of Washington in settlement of the claims of British subjects arising from acts committed between April 13, 1861, and April 9, 1865, became payable, under the terms of the treaty, within the past year, and was paid upon the 21st day of September, 1874. In this connection I renew my recommendation, made at the opening of the last session of Congress, that a special court be created to hear and determine all claims of aliens against the United States arising from acts committed against their persons or property during the insurrection. It appears equitable that opportunity should be offered to citizens of other states to present their claims, as well as to those British subjects whose claims were not admissible under the late commission, to the early decision of some competent tribunal. To this end I recommend the necessary legislation to organize a court to dispose of all claims of aliens of the nature referred to in an equitable and satisfactory manner, and to relieve Congress and the Departments from the consideration of these questions.

The legislation necessary to extend to the colony of Newfoundland certain articles of the treaty of Washington of the 8th day of May, 1871, having been had, a protocol to that effect was signed in behalf of the United States and of Great Britain on the 28th day of May last, and was duly proclaimed on the following day. A copy of the proclamation* is submitted herewith.

A copy of the report of the commissioner appointed under the act of March 19, 1872, for surveying and marking the boundary between the United States and the British possessions from the Lake of the Woods to the summit of the Rocky Mountains is herewith transmitted. I am happy to announce that the field work of the commission has been completed, and the entire line from the northwest corner of the Lake of the Woods to the summit of the Rocky Mountains has been run and marked upon the surface of the earth. It is believed that the amount remaining unexpended of the appropriation made at the last session of Congress will be sufficient to complete the office work. I recommend that the authority of Congress be given to the use of the unexpended balance of the appropriation in the completion of the work of the commission in making its report and preparing the necessary maps.

---

*See pp. 4227-4230.

The court known as the Court of Commissioners of Alabama Claims, created by an act of Congress of the last session, has organized and commenced its work, and it is to be hoped that the claims admissible under the provisions of the act may be speedily ascertained and paid.

It has been deemed advisable to exercise the discretion conferred upon the Executive at the last session by accepting the conditions required by the Government of Turkey for the privilege of allowing citizens of the United States to hold real estate in the former country, and by assenting to a certain change in the jurisdiction of courts in the latter. A copy of the proclamation * upon these subjects is herewith communicated.

There has been no material change in our relations with the independent States of this hemisphere which were formerly under the dominion of Spain. Marauding on the frontiers between Mexico and Texas still frequently takes place, despite the vigilance of the civil and military authorities in that quarter. The difficulty of checking such trespasses along the course of a river of such length as the Rio Grande, and so often fordable, is obvious. It is hoped that the efforts of this Government will be seconded by those of Mexico to the effectual suppression of these acts of wrong.

From a report upon the condition of the business before the American and Mexican Joint Claims Commission, made by the agent on the part of the United States, and dated October 28, 1874, it appears that of the 1,017 claims filed on the part of citizens of the United States, 483 had been finally decided and 75 were in the hands of the umpire, leaving 462 to be disposed of; and of the 998 claims filed against the United States, 726 had been finally decided, 1 was before the umpire, and 271 remained to be disposed of. Since the date of such report other claims have been disposed of, reducing somewhat the number still pending; and others have been passed upon by the arbitrators. It has become apparent, in view of these figures and of the fact that the work devolving on the umpire is particularly laborious, that the commission will be unable to dispose of the entire number of claims pending prior to the 1st day of February, 1875—the date fixed for its expiration. Negotiations are pending looking to the securing of the results of the decisions which have been reached and to a further extension of the commission for a limited time, which it is confidently hoped will suffice to bring all the business now before it to a final close.

The strife in the Argentine Republic is to be deplored, both on account

---

* See pp. 4231-4235.

of the parties thereto and from the probable effects on the interests of those engaged in the trade to that quarter, of whom the United States are among the principal. As yet, so far as I am aware, there has been no violation of our neutrality rights, which, as well as our duties in that respect, it shall be my endeavor to maintain and observe.

It is with regret I announce that no further payment has been received from the Government of Venezuela on account of awards in favor of citizens of the United States. Hopes have been entertained that if that Republic could escape both foreign and civil war for a few years its great natural resources would enable it to honor its obligations. Though it is now understood to be at peace with other countries, a serious insurrection is reported to be in progress in an important region of that Republic. This may be taken advantage of as another reason to delay the payment of the dues of our citizens.

The deplorable strife in Cuba continues without any marked change in the relative advantages of the contending forces. The insurrection continues, but Spain has gained no superiority. Six years of strife give to the insurrection a significance which can not be denied. Its duration and the tenacity of its adherence, together with the absence of manifested power of suppression on the part of Spain, can not be controverted, and may make some positive steps on the part of other powers a matter of self-necessity. I had confidently hoped at this time to be able to announce the arrangement of some of the important questions between this Government and that of Spain, but the negotiations have been protracted. The unhappy intestine dissensions of Spain command our profound sympathy, and must be accepted as perhaps a cause of some delay. An early settlement, in part at least, of the questions between the Governments is hoped. In the meantime, awaiting the results of immediately pending negotiations, I defer a further and fuller communication on the subject of the relations of this country and Spain.

I have again to call the attention of Congress to the unsatisfactory condition of the existing laws with reference to expatriation and the election of nationality. Formerly, amid conflicting opinions and decisions, it was difficult to exactly determine how far the doctrine of perpetual allegiance was applicable to citizens of the United States. Congress by the act of the 27th of July, 1868, asserted the abstract right of expatriation as a fundamental principle of this Government. Notwithstanding such assertion and the necessity of frequent application of the principle, no legislation has been had defining what acts or formalities shall work expatriation or when a citizen shall be deemed to have renounced or to have lost his citizenship. The importance of such definition is obvious. The representatives of the United States in foreign countries are continually called upon to lend their aid and the protection of the United States to persons concerning the good faith or the reality of whose citizenship there is at least great question. In some cases the provisions of the treaties furnish some guide; in others it seems left to the person claiming the benefits of citizenship, while living in a foreign country, contributing in no manner to the performance of the duties of a citizen of the United States, and without intention at any time to return and undertake those duties, to use the claims to citizenship of the United States simply as a shield from the performance of the obligations of a citizen elsewhere.

The status of children born of American parents residing in a foreign country, of American women who have married aliens, of American citizens residing abroad where such question is not regulated by treaty, are all sources of frequent difficulty and discussion. Legislation on these and similar questions, and particularly defining when and under what circumstances expatriation can be accomplished or is to be presumed, is especially needed. In this connection I earnestly call the attention of Congress to the difficulties arising from fraudulent naturalization. The United States wisely, freely, and liberally offers its citizenship to all who may come in good faith to reside within its limits on their complying with certain prescribed reasonable and simple formalities and conditions. Among the highest duties of the Government is that to afford firm, sufficient, and equal protection to all its citizens, whether native born or naturalized. Care should be taken that a right carrying with it such support from the Government should not be fraudulently obtained, and should be bestowed only upon full proof of a compliance with the law; and yet frequent instances are brought to the attention of the Government of illegal and fraudulent naturalization and of the unauthorized use of certificates thus improperly obtained. In some cases the fraudulent character of the naturalization has appeared upon the face of the certificate itself; in others examination discloses that the holder had not complied with the law, and in others certificates have been obtained where the persons holding them not only were not entitled to be naturalized, but had not even been within the United States at the time of the pretended naturalization. Instances of each of these classes of fraud are discovered at our legations, where the certificates of naturalization are presented either for the purpose of obtaining passports or in demanding the protection of the legation. When the fraud is apparent on the face of such certificates, they are taken up by the representatives of the Government and forwarded to the Department of State. But even then the record of the court in which the fraudulent naturalization occurred remains, and duplicate certificates are readily obtainable. Upon the presentation of these for the issue of passports or in demanding protection of the Government, the fraud sometimes escapes notice, and such certificates are not infrequently used in transactions of business to the deception and injury of innocent parties. Without placing any additional obstacles in the way of the obtainment of citizenship by the worthy and well-intentioned foreigner who comes in good faith to cast his lot with ours, I earnestly recommend further legislation to punish fraudulent naturalization and to secure the ready cancellation of the record of every naturalization made in fraud.

Since my last annual message the exchange has been made of the ratification of treaties of extradition with Belgium, Ecuador, Peru, and Salvador; also of a treaty of commerce and navigation with Peru, and one of commerce and consular privileges with Salvador; all of which have been duly proclaimed, as has also a declaration with Russia with reference to trade-marks.

The report of the Secretary of the Treasury, which by law is made directly to Congress, and forms no part of this message, will show the receipts and expenditures of the Government for the last fiscal year, the amount received from each source of revenue, and the amount paid out for each of the Departments of Government. It will be observed from this report that the amount of receipts over expenditures has been but $2,344,882.30 for the fiscal year ending June 30, 1874, and that for the current fiscal year the estimated receipts over expenditures will not much exceed $9,000,000. In view of the large national debt existing and the obligation to add 1 per cent per annum to the sinking fund, a sum amounting now to over $34,000,000 per annum, I submit whether revenues should not be increased or expenditures diminished to reach this amount of surplus. Not to provide for the sinking fund is a partial failure to comply with the contracts and obligations of the Government. At the last session of Congress a very considerable reduction was made in rates of taxation and in the number of articles submitted to taxation; the question may well be asked, whether or not, in some instances, unwisely. In connection with this subject, too, I venture the opinion that the means of collecting the revenue, especially from imports, have been so embarrassed by legislation as to make it questionable whether or not large amounts are not lost by failure to collect, to the direct loss of the Treasury and to the prejudice of the interests of honest importers and taxpayers.

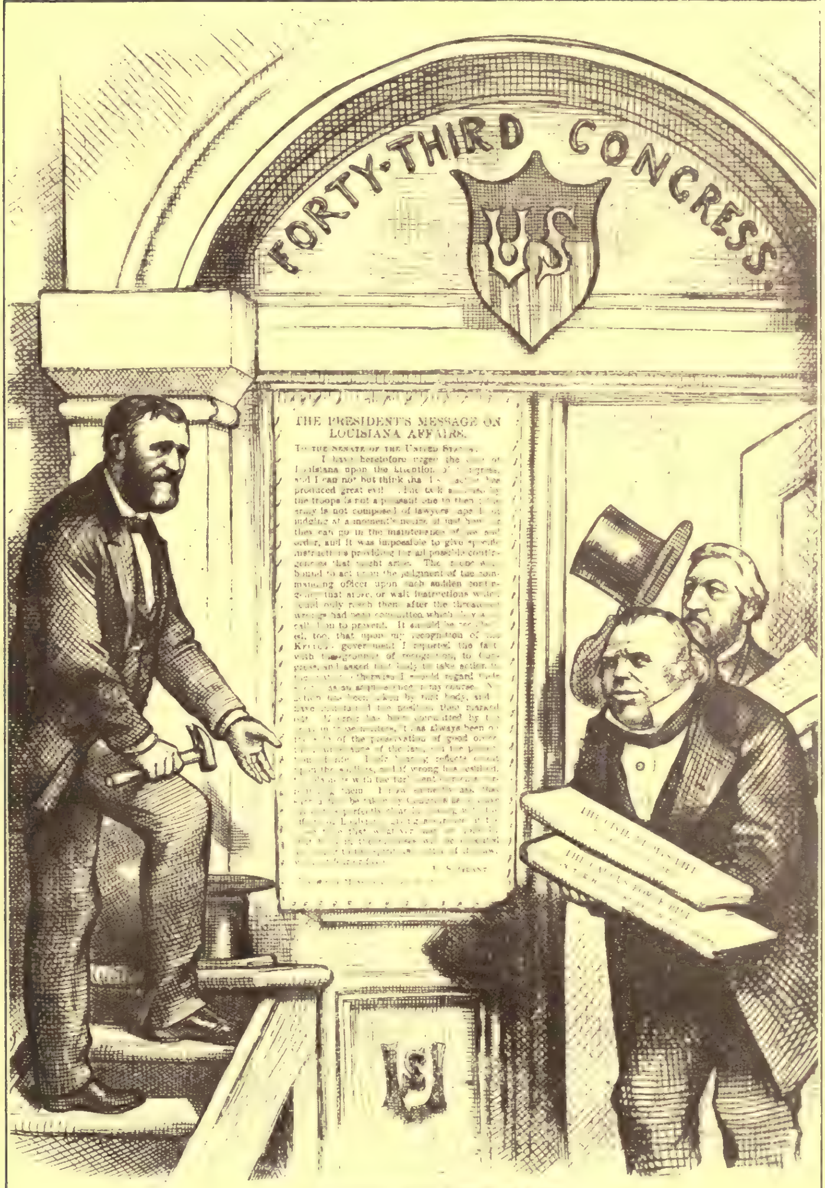
The Secretary of the Treasury in his report favors legislation looking to an early return to specie payments, thus supporting views previously expressed in this message. He also recommends economy in appropriations; calls attention to the loss of revenue from repealing the tax on tea and coffee, without benefit to the consumer; recommends an increase of 10 cents a gallon on whisky, and, further, that no modification be made in the banking and currency bill passed at the last session of Congress, unless modification should become necessary by reason of the adoption of measures for returning to specie payments. In these recommendations I cordially join.

I would suggest to Congress the propriety of readjusting the tariff so as to increase the revenue, and at the same time decrease the number of articles upon which duties are levied. Those articles which enter into our manufactures and are not produced at home, it seems to me, should be entered free. Those articles of manufacture which we produce a constituent part of, but do not produce the whole, that part which we do not produce should enter free also. I will instance fine wool, dyes, etc. These articles must be imported to form a part of the manufacture of the higher grades of woolen goods. Chemicals used as dyes, compounded in medicines, and used in various ways in manufactures come under this class. The introduction free of duty of such wools as we do not produce would stimulate the manufacture of goods requiring the use of those we do produce, and therefore would be a benefit to home production. There are many articles entering into "home manufactures" which we do not produce ourselves the tariff upon which increases the cost of producing the manufactured article. All corrections in this regard are in the direction of bringing labor and capital in harmony with each other and of supplying one of the elements of prosperity so much needed.

The report of the Secretary of War herewith attached, and forming a part of this message, gives all the information concerning the operations, wants, and necessities of the Army, and contains many suggestions and recommendations which I commend to your special attention.

There is no class of Government employees who are harder worked than the Army—officers and men; none who perform their tasks more cheerfully and efficiently and under circumstances of greater privations and hardships.

Legislation is desirable to render more efficient this branch of the public service. All the recommendations of the Secretary of War I regard as judicious, and I especially commend to your attention the following: The consolidation of Government arsenals; the restoration of mileage to officers traveling under orders; the exemption of money received from the sale of subsistence stores from being covered into the Treasury; the use of appropriations for the purchase of subsistence stores without waiting for the beginning of the fiscal year for which the appropriation is made; for additional appropriations for the collection of torpedo material; for increased appropriations for the manufacture of arms; for relieving the various States from indebtedness for arms charged to them during the rebellion; for dropping officers from the rolls of the Army without trial for the offense of drawing pay more than once for the same period; for the discouragement of the plan to pay soldiers by check, and for the establishment of a professorship of rhetoric and English literature at West Point. The reasons for these recommendations are obvious, and are set forth sufficiently in the reports attached. I also recommend that the status of the staff corps of the Army be fixed, where this has not already been done, so that promotions may be made and vacancies filled as they occur in each grade when reduced below the number to be fixed by law. The necessity for such legislation is specially felt now in the Pay Department. The number of officers in that department is below


FORTY-THIRD CONGRESS.
U S
THE PRESIDENT'S MESSAGE ON LOUCISIANA AFFAIRS.
To the Senate of the United States.
U S

HAMMERING WOKE THEM AT LAST.

U. S. G. "Thank you! My duties are perfectly clear now, and I will execute them according to the spirit and letter of the law [illegible]

THE EFFECT OF PRESIDENT GRANT'S MESSAGE OF JANUARY 13, 1875

SURRENDER OF THE "VIRGINIUS" IN BAHIA HONDA

CAPTURE OF THE "VIRGINIUS."

The *Virginius*, an American ship flying the American flag, was seized near Jamaica by a Spanish man-of-war on October 31, 1873, because of the fact that the American vessel was transporting men and arms to aid the Cubans, who at that time were engaged in their Ten Years' War with Spain in an endeavor to throw off Spanish dominion. President Grant demanded from Spain the release of the ship, but the Spanish authorities in Cuba took matters into their own hands while negotiations were still under way, and shot the captain of the *Virginius*, 36 of its crew, and 12 of its passengers. The news of the massacre created great excitement in the United States, and for a time war with Spain seemed inevitable. Finally, however, the United States admitted that the vessel was flying the American flag illegally, and Spain disclaimed any intention to insult the American flag, and the incident became closed. (See Virginius, The, in Encyclopedic Index.)

the number adequate to the performance of the duties required of them by law.

The efficiency of the Navy has been largely increased during the last year. Under the impulse of the foreign complications which threatened us at the commencement of the last session of Congress, most of our efficient wooden ships were put in condition for immediate service, and the repairs of our ironclad fleet were pushed with the utmost vigor. The result is that most of these are now in an effective state and need only to be manned and put in commission to go at once into service.

Some of the new sloops authorized by Congress are already in commission, and most of the remainder are launched and wait only the completion of their machinery to enable them to take their places as part of our effective force.

Two iron torpedo ships have been completed during the last year, and four of our large double-turreted ironclads are now undergoing repairs. When these are finished, everything that is useful of our Navy, as now authorized, will be in condition for service, and with the advance in the science of torpedo warfare the American Navy, comparatively small as it is, will be found at any time powerful for the purposes of a peaceful nation.

Much has been accomplished during the year in aid of science and to increase the sum of general knowledge and further the interests of commerce and civilization. Extensive and much-needed soundings have been made for hydrographic purposes and to fix the proper routes of ocean telegraphs. Further surveys of the great Isthmus have been undertaken and completed, and two vessels of the Navy are now employed, in conjunction with those of England, France, Germany, and Russia, in observations connected with the transit of Venus, so useful and interesting to the scientific world.

The estimates for this branch of the public service do not differ materially from those of last year, those for the general support of the service being somewhat less and those for permanent improvements at the various stations rather larger than the corresponding estimate made a year ago. The regular maintenance and a steady increase in the efficiency of this most important arm in proportion to the growth of our maritime intercourse and interests is recommended to the attention of Congress.

The use of the Navy in time of peace might be further utilized by a direct authorization of the employment of naval vessels in explorations and surveys of the supposed navigable waters of other nationalities on this continent, especially the tributaries of the two great rivers of South America, the Orinoco and the Amazon. Nothing prevents, under existing laws, such exploration, except that expenditures must be made in such expeditions beyond those usually provided for in the appropriations. The field designated is unquestionably one of interest and one capable of large development of commercial interests—advantageous to the peoples reached and to those who may establish relations with them.

Education of the people entitled to exercise the right of franchise I regard essential to general prosperity everywhere, and especially so in republics, where birth, education, or previous condition does not enter into account in giving suffrage. Next to the public school, the post-office is the great agent of education over our vast territory. The rapidity with which new sections are being settled, thus increasing the carrying of mails in a more rapid ratio than the increase of receipts, is not alarming. The report of the Postmaster-General herewith attached shows that there was an increase of revenue in his Department in 1873 over the previous year of $1,674,411, and an increase of cost of carrying the mails and paying employees of $3,041,468.91. The report of the Postmaster-General gives interesting statistics of his Department, and compares them with the corresponding statistics of a year ago, showing a growth in every branch of the Department.

A postal convention has been concluded with New South Wales, an exchange of postal cards established with Switzerland, and the negotiations pending for several years past with France have been terminated in a convention with that country, which went into effect last August.

An international postal congress was convened in Berne, Switzerland, in September last, at which the United States was represented by an officer of the Post-Office Department of much experience and of qualification for the position. A convention for the establishment of an international postal union was agreed upon and signed by the delegates of the countries represented, subject to the approval of the proper authorities of those countries.

I respectfully direct your attention to the report of the Postmaster-General and to his suggestions in regard to an equitable adjustment of the question of compensation to railroads for carrying the mails.

Your attention will be drawn to the unsettled condition of affairs in some of the Southern States.

On the 14th of September last the governor of Louisiana called upon me, as provided by the Constitution and laws of the United States, to aid in suppressing domestic violence in that State. This call was made in view of a proclamation issued on that day by D. B. Penn, claiming that he was elected lieutenant-governor in 1872, and calling upon the militia of the State to arm, assemble, and drive from power the usurpers, as he designated the officers of the State government. On the next day I issued my proclamation* commanding the insurgents to disperse within five days from the date thereof, and subsequently learned that on that day they had taken forcible possession of the statehouse. Steps were taken by me to support the existing and recognized State government, but before the expiration of the five days the insurrectionary movement was practically abandoned, and the officers of the State government, with some minor exceptions, resumed their powers and duties. Considering that the present State administration of Louisiana has been the only government in that State for nearly two years; that it has been tacitly acknowledged and acquiesced in as such by Congress, and more than once expressly recognized by me, I regarded it as my clear duty, when legally called upon for that purpose, to prevent its overthrow by an armed mob under pretense of fraud and irregularity in the election of 1872. I have heretofore called the attention of Congress to this subject, stating that on account of the frauds and forgeries committed at said election, and because it appears that the returns thereof were never legally canvassed, it was impossible to tell thereby who were chosen; but from the best sources of information at my command I have always believed that the present State officers received a majority of the legal votes actually cast at that election. I repeat what I said in my special message of February 23, 1873, that in the event of no action by Congress I must continue to recognize the government heretofore recognized by me.

---

* See pp. 4230-4231.

I regret to say that with preparations for the late election decided indications appeared in some localities in the Southern States of a determination, by acts of violence and intimidation, to deprive citizens of the freedom of the ballot because of their political opinions. Bands of men, masked and armed, made their appearance; White Leagues and other societies were formed; large quantities of arms and ammunition were imported and distributed to these organizations; military drills, with menacing demonstrations, were held, and with all these murders enough were committed to spread terror among those whose political action was to be suppressed, if possible, by these intolerant and criminal proceedings. In some places colored laborers were compelled to vote according to the wishes of their employers, under threats of discharge if they acted otherwise; and there are too many instances in which, when these threats were disregarded, they were remorselessly executed by those who made them. I understand that the fifteenth amendment to the Constitution was made to prevent this and a like state of things, and the act of May 31, 1870, with amendments, was passed to enforce its provisions, the object of both being to guarantee to all citizens the right to vote and to protect them in the free enjoyment of that right. Enjoined by the Constitution "to take care that the laws be faithfully executed," and convinced by undoubted evidence that violations of said act had been committed and that a wide-spread and flagrant disregard of it was contemplated, the proper officers were instructed to prosecute the offenders, and troops were stationed at convenient points to aid these officers, if necessary, in the performance of their official duties. Complaints are made of this interference by Federal authority; but if said amendment and act do not provide for such interference under the circumstances as above stated, then they are without meaning, force, or effect, and the whole scheme of colored enfranchisement is worse than mockery and little better than a crime. Possibly Congress may find it due to truth and justice to ascertain, by means of a committee, whether the alleged wrongs to colored citizens for political purposes are real or the reports thereof were manufactured for the occasion.

The whole number of troops in the States of Louisiana, Alabama, Georgia, Florida, South Carolina, North Carolina, Kentucky, Tennessee, Arkansas, Mississippi, Maryland, and Virginia at the time of the election was 4,082. This embraces the garrisons of all the forts from the Delaware to the Gulf of Mexico.

Another trouble has arisen in Arkansas. Article 13 of the constitution of that State (which was adopted in 1868, and upon the approval of which by Congress the State was restored to representation as one of the States of the Union) provides in effect that before any amendments proposed to this constitution shall become a part thereof they shall be passed by two successive assemblies and then submitted to and ratified by a majority of the electors of the State voting thereon. On the 11th of May, 1874, the governor convened an extra session of the general assembly of the State, which on the 18th of the same month passed an act providing for a convention to frame a new constitution. Pursuant to this act, and at an election held on the 30th of June, 1874, the convention was approved, and delegates were chosen thereto, who assembled on the 14th of last July and framed a new constitution, the schedule of which provided for the election of an entire new set of State officers in a manner contrary to the then existing election laws of the State. On the 13th of October, 1874, this constitution, as therein provided, was submitted to the people for their approval or rejection, and according to the election returns was approved by a large majority of those qualified to vote thereon; and at the same election persons were chosen to fill all the State, county, and township offices. The governor elected in 1872 for the term of four years turned over his office to the governor chosen under the new constitution, whereupon the lieutenant-governor, also elected in 1872 for a term of four years, claiming to act as governor, and alleging that said proceedings by which the new constitution was made and a new set of officers elected were unconstitutional, illegal, and void, called upon me, as provided in section 4, Article IV, of the Constitution, to protect the State against domestic violence. As Congress is now investigating the political affairs of Arkansas, I have declined to interfere.

The whole subject of Executive interference with the affairs of a State is repugnant to public opinion, to the feelings of those who, from their official capacity, must be used in such interposition, and to him or those who must direct. Unless most clearly on the side of law, such interference becomes a crime; with the law to support it, it is condemned without a hearing. I desire, therefore, that all necessity for Executive direction in local affairs may become unnecessary and obsolete. I invite the attention, not of Congress, but of the people of the United States, to the causes and effects of these unhappy questions. Is there not a disposition on one side to magnify wrongs and outrages, and on the other side to belittle them or justify them? If public opinion could be directed to a correct survey of what is and to rebuking wrong and aiding the proper authorities in punishing it, a better state of feeling would be inculcated, and the sooner we would have that peace which would leave the States free indeed to regulate their own domestic affairs. I believe on the part of our citizens of the Southern States—the better part of them—there is a disposition to be law abiding, and to do no violence either to individuals or to the laws existing. But do they do right in ignoring the existence of violence and bloodshed in resistance to constituted authority? I sympathize with their prostrate condition, and would do all in my power to relieve them, acknowledging that in some instances they have had most trying governments to live under, and very oppressive ones in the way of taxation for nominal improvements, not giving benefits equal to the hardships imposed. But can they proclaim themselves entirely irresponsible for this condition? They can not. Violence has been rampant in some localities, and has either been justified or denied by those who could have prevented it. The theory is even raised that there is to be no further interference on the part of the General Government to protect citizens within a State where the State authorities fail to give protection. This is a great mistake. While I remain Executive all the laws of Congress and the provisions of the Constitution, including the recent amendments added thereto, will be enforced with rigor, but with regret that they should have added one jot or tittle to Executive duties or powers. Let there be fairness in the discussion of Southern questions, the advocates of both or all political parties giving honest, truthful reports of occurrences, condemning the wrong and upholding the right, and soon all will be well. Under existing conditions the negro votes the Republican ticket because he knows his friends are of that party. Many a good citizen votes the opposite, not because he agrees with the great principles of state which separate parties, but because, generally, he is opposed to negro rule. This is a most delusive cry. Treat the negro as a citizen and a voter, as he is and must remain, and soon parties will be divided, not on the color line, but on principle. Then we shall have no complaint of sectional interference.

The report of the Attorney-General contains valuable recommendations relating to the administration of justice in the courts of the United States, to which I invite your attention.

I respectfully suggest to Congress the propriety of increasing the number of judicial districts in the United States to eleven (the present number being nine) and the creation of two additional judgeships. The territory to be traversed by the circuit judges is so great and the business of the courts so steadily increasing that it is growing more and more impossible for them to keep up with the business requiring their attention. Whether this would involve the necessity of adding two more justices of the Supreme Court to the present number I submit to the judgment of Congress.

The attention of Congress is invited to the report of the Secretary of the Interior and to the legislation asked for by him. The domestic interests of the people are more intimately connected with this Department than with either of the other Departments of Government. Its duties have been added to from time to time until they have become so onerous that without the most perfect system and order it will be impossible for any Secretary of the Interior to keep trace of all official transactions having his sanction and done in his name, and for which he is held personally responsible.

The policy adopted for the management of Indian affairs, known as the peace policy, has been adhered to with most beneficial results. It is confidently hoped that a few years more will relieve our frontiers from danger of Indian depredations.

I commend the recommendation of the Secretary for the extension of the homestead laws to the Indians and for some sort of Territorial government for the Indian Territory. A great majority of the Indians occupying this Territory are believed yet to be incapable of maintaining their rights against the more civilized and enlightened white man. Any Territorial form of government given them, therefore, should protect them in their homes and property for a period of at least twenty years, and before its final adoption should be ratified by a majority of those affected.

The report of the Secretary of the Interior herewith attached gives much interesting statistical information, which I abstain from giving an abstract of, but refer you to the report itself.

The act of Congress providing the oath which pensioners must subscribe to before drawing their pensions cuts off from this bounty a few survivors of the War of 1812 residing in the Southern States. I recommend the restoration of this bounty to all such. The number of persons whose names would thus be restored to the list of pensioners is not large. They are all old persons, who could have taken no part in the rebellion, and the services for which they were awarded pensions were in defense of the whole country.

The report of the Commissioner of Agriculture herewith contains suggestions of much interest to the general public, and refers to the approaching Centennial and the part his Department is ready to take in it. I feel that the nation at large is interested in having this exposition a success, and commend to Congress such action as will secure a greater general interest in it. Already many foreign nations have signified their intention to be represented at it, and it may be expected that every civilized nation will be represented.

The rules adopted to improve the civil service of the Government have been adhered to as closely as has been practicable with the opposition with which they meet. The effect, I believe, has been beneficial on the whole, and has tended to the elevation of the service. But it is impracticable to maintain them without direct and positive support of Congress. Generally the support which this reform receives is from those who give it their support only to find fault when the rules are apparently departed from. Removals from office without preferring charges against parties removed are frequently cited as departures from the rules adopted, and the retention of those against whom charges are made by irresponsible persons and without good grounds is also often condemned as a violation of them. Under these circumstances, therefore, I announce that if Congress adjourns without positive legislation on the subject of "civil-service reform" I will regard such action as a disapproval of the system, and will abandon it, except so far as to require examinations for certain appointees, to determine their fitness. Competitive examinations will be abandoned.

The gentlemen who have given their services, without compensation, as members of the board to devise rules and regulations for the government of the civil service of the country have shown much zeal and earnestness in their work, and to them, as well as to myself, it will be a source of mortification if it is to be thrown away. But I repeat that it is impossible to carry this system to a successful issue without general approval and assistance and positive law to support it.

I have stated that three elements of prosperity to the nation—capital, labor, skilled and unskilled, and products of the soil—still remain with us. To direct the employment of these is a problem deserving the most serious attention of Congress. If employment can be given to all the labor offering itself, prosperity necessarily follows. I have expressed the opinion, and repeat it, that the first requisite to the accomplishment of this end is the substitution of a sound currency in place of one of a fluctuating value. This secured, there are many interests that might be fostered to the great profit of both labor and capital. How to induce capital to employ labor is the question. The subject of cheap transportation has occupied the attention of Congress. Much new light on this question will without doubt be given by the committee appointed by the last Congress to investigate and report upon this subject.

A revival of shipbuilding, and particularly of iron steamship building, is of vast importance to our national prosperity. The United States is now paying over $100,000,000 per annum for freights and passage on foreign ships—to be carried abroad and expended in the employment and support of other peoples—beyond a fair percentage of what should go to foreign vessels, estimating on the tonnage and travel of each respectively. It is to be regretted that this disparity in the carrying trade exists, and to correct it I would be willing to see a great departure from the usual course of Government in supporting what might usually be termed private enterprise. I would not suggest as a remedy direct subsidy to American steamship lines, but I would suggest the direct offer of ample compensation for carrying the mails between Atlantic Seaboard cities and the Continent on American-owned and American-built steamers, and would extend this liberality to vessels carrying the mails to South American States and to Central America and Mexico, and would pursue the same policy from our Pacific seaports to foreign seaports on the Pacific. It might be demanded that vessels built for this service should come up to a standard fixed by legislation in tonnage, speed, and all other qualities, looking to the possibility of Government requiring them at some time for war purposes. The right also of taking possession of them in such emergency should be guarded.

I offer these suggestions, believing them worthy of consideration, in all seriousness, affecting all sections and all interests alike. If anything better can be done to direct the country into a course of general prosperity, no one will be more ready than I to second the plan.

Forwarded herewith will be found the report of the commissioners appointed under an act of Congress approved June 20, 1874, to wind up the affairs of the District government. It will be seen from the report that the net debt of the District of Columbia, less securities on hand and available, is:

Bonded debt issued prior to July 1, 1874		$8,883,940.43
3.65 bonds, act of Congress June 20, 1874		2,088,168.73
Certificates of the board of audit		4,770,558.45
		15,742,667.61
Less special-improvement assessments (chargeable to private property) in excess of any demand against such assessments	$1,614,054.37	
Less Chesapeake and Ohio Canal bonds	75,000.00	
And Washington and Alexandria Railroad bonds	59,000.00	
In the hands of the commissioners of the sinking fund		1,748,054.37
Leaving actual debt, less said assets		13,994,613.24

In addition to this there are claims preferred against the government of the District amounting, in the estimated aggregate reported by the board of audit, to $3,147,787.48, of which the greater part will probably be rejected. This sum can with no more propriety be included in the debt account of the District government than can the thousands of claims against the General Government be included as a portion of the national debt. But the aggregate sum thus stated includes something more than the funded debt chargeable exclusively to the District of Columbia. The act of Congress of June 20, 1874, contemplates an apportionment between the United States Government and the District of Columbia in respect of the payment of the principal and interest of the 3.65 bonds. Therefore in computing with precision the bonded debt of the District the aggregate sums above stated as respects 3.65 bonds now issued, the outstanding certificates of the board of audit, and the unadjusted claims pending before that board should be reduced to the extent of the amount to be apportioned to the United States Government in the manner indicated in the act of Congress of June 20, 1874.

I especially invite your attention to the recommendations of the commissioners of the sinking fund relative to the ambiguity of the act of June 20, 1874, the interest on the District bonds, and the consolidation of the indebtedness of the District.

I feel much indebted to the gentlemen who consented to leave their private affairs and come from a distance to attend to the business of this District, and for the able and satisfactory manner in which it has been conducted. I am sure their services will be equally appreciated by the entire country.

It will be seen from the accompanying full report of the board of health that the sanitary condition of the District is very satisfactory.

In my opinion the District of Columbia should be regarded as the grounds of the national capital, in which the entire people are interested. I do not allude to this to urge generous appropriations to the District, but to draw the attention of Congress, in framing a law for the government of the District, to the magnificent scale on which the city was planned by the founders of the Government; the manner in which, for ornamental purposes, the reservations, streets, and avenues were laid out, and the proportion of the property actually possessed by the General Government. I think the proportion of the expenses of the government and improvements to be borne by the General Government, the cities of Washington and Georgetown, and the county should be carefully and equitably defined.

In accordance with section 3, act approved June 23, 1874, I appointed a board to make a survey of the mouth of the Mississippi River with a view to determine the best method of obtaining and maintaining a depth of water sufficient for the purposes of commerce, etc.; and in accordance with an act entitled "An act to provide for the appointment of a commission of engineers to investigate and report a permanent plan for the reclamation of the alluvial basin of the Mississippi River subject to inundation," I appointed a commission of engineers. Neither board has yet completed its labors. When their reports are received, they will be forwarded to Congress without delay.

U. S. GRANT.

SPECIAL MESSAGES.

WASHINGTON, *December 8, 1874.*

To the Senate of the United States:

In answer to the resolution of the Senate of the 3d of February, 1873, I transmit herewith a report from the Secretary of State, together with the papers* which accompanied it.

U. S. GRANT.

---

*Dispatches in regard to the records and public documents of the Mexican Government relative to the lands embraced within the Territories of Arizona and New Mexico.

WASHINGTON, *December 8, 1874.*

To the Senate of the United States:

I transmit to the Senate, for consideration with a view to ratification, a convention between the United States of America and the Ottoman Empire, relative to the extradition of criminals fugitives from justice, signed by their respective plenipotentiaries at Constantinople on the 11th of August last.

U. S. GRANT.

WASHINGTON, *December 8, 1874.*

To the Senate of the United States:

I transmit to the Senate, for consideration with a view to ratification, a convention concluded between the United States of America and the Mexican Republic on the 20th of November last, for further extending the time for the duration of the joint commission respecting claims, originally fixed by the convention between the United States and Mexico signed on the 4th of July, 1868, and extended by those of the 19th of April, 1871, and 27th of November, 1872, between the same parties.

U. S. GRANT.

WASHINGTON, *December 8, 1874.*

To the Senate of the United States:

I transmit to the Senate, for consideration with a view to ratification, a convention between the United States of America and the Ottoman Empire, relative to the naturalization of citizens and subjects of the two countries, signed by their respective plenipotentiaries at Constantinople on the 11th of August last. A copy of the correspondence which accompanied the convention on the subject is herewith transmitted.

U. S. GRANT.

WASHINGTON, *December 8, 1874.*

To the Senate and House of Representatives:

I transmit herewith a report, dated the 8th instant, with accompanying papers,* from the Secretary of State, in compliance with the requirements of section 208 of the Revised Statutes of the United States.

U. S. GRANT.

EXECUTIVE MANSION, *December 22, 1874.*

The SPEAKER OF THE HOUSE OF REPRESENTATIVES:

I have the honor to transmit herewith, for the information of Congress, a memorial† forwarded to me by a convention of colored citizens assembled in the city of Montgomery, Ala., on the 2d of this month.

U. S. GRANT.

---

*Report of fees collected, etc., by consular officers of the United States for 1873, list of consular officers, and tariff of consular fees prescribed by the President September 1, 1874.

†Asking all the rights of citizenship.

EXECUTIVE MANSION, *January 5, 1875.*

To the Senate of the United States:

In answer to the resolution of the Senate of the 21st December last, requesting the return of its resolution of the 17th of the same month, advising and consenting to the appointment of J. C. S. Colby to be consul of the United States at Chin-Kiang, I have the honor to state that Mr. Colby's commission was signed on the 17th day of December, and upon inquiry at the Department of State it was found that it had been forwarded to him by mail before the receipt of the resolution of recall.

U. S. GRANT.

EXECUTIVE MANSION, *January 12, 1875.*

To the Senate and House of Representatives:

In accordance with the requirements of the joint resolution approved March 25, 1874, authorizing an inquiry into and report upon the causes of epidemic cholera, I have the honor to transmit herewith reports upon the subject from the Secretaries of the Treasury and War Departments.

U. S. GRANT.

EXECUTIVE MANSION, *January 13, 1875.*

To the Senate of the United States:

I have the honor to make the following answer to a Senate resolution of the 8th instant, asking for information as to any interference by any military officer or any part of the Army of the United States with the organization or proceedings of the general assembly of the State of Louisiana, or either branch thereof; and also inquiring in regard to the existence of armed organizations in that State hostile to the government thereof and intent on overturning such government by force.

To say that lawlessness, turbulence, and bloodshed have characterized the political affairs of that State since its reorganization under the reconstruction acts is only to repeat what has become well known as a part of its unhappy history; but it may be proper here to refer to the election of 1868, by which the Republican vote of the State, through fraud and violence, was reduced to a few thousands, and the bloody riots of 1866 and 1868, to show that the disorders there are not due to any recent causes or to any late action of the Federal authorities.

Preparatory to the election of 1872 a shameful and undisguised conspiracy was formed to carry that election against the Republicans, without regard to law or right, and to that end the most glaring frauds and forgeries were committed in the returns, after many colored citizens had been denied registration and others deterred by fear from casting their ballots.

When the time came for a final canvass of the votes, in view of the foregoing facts William P. Kellogg, the Republican candidate for governor, brought suit upon the equity side of the United States circuit court for

Louisiana, and against Warmoth and others, who had obtained possession of the returns of the election, representing that several thousand voters of the State had been deprived of the elective franchise on account of their color, and praying that steps might be taken to have said votes counted and for general relief. To enable the court to inquire as to the truth of these allegations, a temporary restraining order was issued against the defendants, which was at once wholly disregarded and treated with contempt by those to whom it was directed. These proceedings have been widely denounced as an unwarrantable interference by the Federal judiciary with the election of State officers; but it is to be remembered that by the fifteenth amendment to the Constitution of the United States the political equality of colored citizens is secured, and under the second section of that amendment, providing that Congress shall have power to enforce its provisions by appropriate legislation, an act was passed on the 31st of May, 1870, and amended in 1871, the object of which was to prevent the denial or abridgment of suffrage to citizens on account of race, color, or previous condition of servitude; and it has been held by all the Federal judges before whom the question has arisen, including Justice Strong, of the Supreme Court, that the protection afforded by this amendment and these acts extends to State as well as other elections. That it is the duty of the Federal courts to enforce the provisions of the Constitution of the United States and the laws passed in pursuance thereof is too clear for controversy.

Section 15 of said act, after numerous provisions therein to prevent an evasion of the fifteenth amendment, provides that the jurisdiction of the circuit court of the United States shall extend to all cases in law or equity arising under the provisions of said act and of the act amendatory thereof. Congress seems to have contemplated equitable as well as legal proceedings to prevent the denial of suffrage to colored citizens; and it may be safely asserted that if Kellogg's bill in the above-named case did not present a case for the equitable interposition of the court, that no such case can arise under the act. That the courts of the United States have the right to interfere in various ways with State elections so as to maintain political equality and rights therein, irrespective of race or color, is comparatively a new, and to some seems to be a startling, idea, but it results as clearly from the fifteenth amendment to the Constitution and the acts that have been passed to enforce that amendment as the abrogation of State laws upholding slavery results from the thirteenth amendment to the Constitution. While the jurisdiction of the court in the case of Kellogg *vs.* Warmoth and others is clear to my mind, it seems that some of the orders made by the judge in that and the kindred case of Antoine were illegal. But while they are so held and considered, it is not to be forgotten that the mandate of his court had been contemptuously defied, and they were made while wild scenes of anarchy were sweeping away all restraint of law and order. Doubtless the judge of this court made grave mistakes; but the law allows the chancellor great latitude, not only in punishing those who contemn his orders and injunctions, but in preventing the consummation of the wrong which he has judicially forbidden. Whatever may be said or thought of those matters, it was only made known to me that process of the United States court was resisted, and as said act especially provides for the use of the Army and Navy when necessary to enforce judicial process arising thereunder, I considered it my duty to see that such process was executed according to the judgment of the court.

Resulting from these proceedings, through various controversies and complications, a State administration was organized with William P. Kellogg as governor, which, in the discharge of my duty under section 4, Article IV, of the Constitution, I have recognized as the government of the State.

It has been bitterly and persistently alleged that Kellogg was not elected. Whether he was or not is not altogether certain, nor is it any more certain that his competitor, McEnery, was chosen. The election was a gigantic fraud, and there are no reliable returns of its result. Kellogg obtained possession of the office, and in my opinion has more right to it than his competitor.

On the 20th of February, 1873, the Committee on Privileges and Elections of the Senate made a report in which they say they were satisfied by testimony that the manipulation of the election machinery by Warmoth and others was equivalent to 20,000 votes; and they add that to recognize the McEnery government "would be recognizing a government based upon fraud, in defiance of the wishes and intention of the voters of the State." Assuming the correctness of the statements in this report (and they seem to have been generally accepted by the country), the great crime in Louisiana, about which so much has been said, is that one is holding the office of governor who was cheated out of 20,000 votes, against another whose title to the office is undoubtedly based on fraud and in defiance of the wishes and intentions of the voters of the State.

Misinformed and misjudging as to the nature and extent of this report, the supporters of McEnery proceeded to displace by force in some counties of the State the appointees of Governor Kellogg, and on the 13th of April, in an effort of that kind, a butchery of citizens was committed at Colfax, which in bloodthirstiness and barbarity is hardly surpassed by any acts of savage warfare.

To put this matter beyond controversy I quote from the charge of Judge Woods, of the United States circuit court, to the jury in the case of The United States *vs.* Cruikshank and others, in New Orleans in March, 1874. He said:

> In the case on trial there are many facts not in controversy. I proceed to state some of them in the presence and hearing of counsel on both sides; and if I state as a conceded fact any matter that is disputed, they can correct me.

After stating the origin of the difficulty, which grew out of an attempt of white persons to drive the parish judge and sheriff, appointees of Kellogg, from office, and their attempted protection by colored persons, which led to some fighting, in which quite a number of negroes were killed, the judge states:

> Most of those who were not killed were taken prisoners. Fifteen or sixteen of the blacks had lifted the boards and taken refuge under the floor of the court-house. They were all captured. About thirty-seven men were taken prisoners. The number is not definitely fixed. They were kept under guard until dark. They were led out, two by two, and shot. Most of the men were shot to death. A few were wounded, not mortally, and by pretending to be dead were afterwards, during the night, able to make their escape. Among them was the Levi Nelson named in the indictment.
>
> The dead bodies of the negroes killed in this affair were left unburied until Tuesday, April 15, when they were buried by a deputy marshal and an officer of the militia from New Orleans. These persons found fifty-nine dead bodies. They showed pistol-shot wounds, the great majority in the head, and most of them in the back of the head. In addition to the fifty-nine dead bodies found, some charred remains of dead bodies were discovered near the court-house. Six dead bodies were found under a warehouse, all shot in the head but one or two, which were shot in the breast.
>
> The only white men injured from the beginning of these troubles to their close were Hadnot and Harris. The court-house and its contents were entirely consumed.
>
> There is no evidence that anyone in the crowd of whites bore any lawful warrant for the arrest of any of the blacks. There is no evidence that either Nash or Cazabat, after the affair, ever demanded their offices, to which they had set up claim, but Register continued to act as parish judge and Shaw as sheriff.
>
> These are facts in this case as I understand them to be admitted.

To hold the people of Louisiana generally responsible for these atrocities would not be just, but it is a lamentable fact that insuperable obstructions were thrown in the way of punishing these murderers; and the so-called conservative papers of the State not only justified the massacre, but denounced as Federal tyranny and despotism the attempt of the United States officers to bring them to justice. Fierce denunciations ring through the country about office holding and election matters in Louisiana, while every one of the Colfax miscreants goes unwhipped of justice, and no way can be found in this boasted land of civilization and Christianity to punish the perpetrators of this bloody and monstrous crime.

Not unlike this was the massacre in August last. Several Northern young men of capital and enterprise had started the little and flourishing town of Coushatta. Some of them were Republicans and officeholders under Kellogg. They were therefore doomed to death. Six of them were seized and carried away from their homes and murdered in cold blood. No one has been punished, and the conservative press of the State denounced all efforts to that end and boldly justified the crime.

Many murders of a like character have been committed in individual cases, which can not here be detailed. For example, T. S. Crawford, judge, and P. H. Harris, district attorney, of the twelfth judicial district of the State, on their way to court were shot from their horses by men in ambush on the 8th of October, 1873; and the widow of the former, in a communication to the Department of Justice, tells a piteous tale of the persecutions of her husband because he was a Union man, and of the efforts made to screen those who had committed a crime which, to use her own language, "left two widows and nine orphans desolate."

To say that the murder of a negro or a white Republican is not considered a crime in Louisiana would probably be unjust to a great part of the people, but it is true that a great number of such murders have been committed and no one has been punished therefor; and manifestly, as to them, the spirit of hatred and violence is stronger than law.

Representations were made to me that the presence of troops in Louisiana was unnecessary and irritating to the people, and that there was no danger of public disturbance if they were taken away. Consequently early in last summer the troops were all withdrawn from the State, with the exception of a small garrison at New Orleans Barracks. It was claimed that a comparative state of quiet had supervened. Political excitement as to Louisiana affairs seemed to be dying out. But the November election was approaching, and it was necessary for party purposes that the flame should be rekindled.

Accordingly, on the 14th of September D. P. Penn, claiming that he was elected lieutenant-governor in 1872, issued an inflammatory proclamation calling upon the militia of the State to arm, assemble, and drive from power the usurpers, as he designated the officers of the State. The White Leagues, armed and ready for the conflict, promptly responded.

On the same day the governor made a formal requisition upon me, pursuant to the act of 1795 and section 4, Article IV, of the Constitution, to aid in suppressing domestic violence. On the next day I issued my proclamation* commanding the insurgents to disperse within five days from the date thereof; but before the proclamation was published in New Orleans the organized and armed forces recognizing a usurping governor had taken forcible possession of the statehouse and temporarily subverted the government. Twenty or more people were killed, including a number of the police of the city. The streets of the city were stained with blood. All that was desired in the way of excitement had been accomplished, and, in view of the steps taken to repress it, the revolution is apparently, though it is believed not really, abandoned, and the cry of Federal usurpation and tyranny in Louisiana was renewed with redoubled energy. Troops had been sent to the State under this requisition of the governor, and as other disturbances seemed imminent they were allowed to remain there to render the executive such aid as might become necessary to enforce the laws of the State and repress the continued violence which seemed inevitable the moment Federal support should be withdrawn.

*See pp. 4230-4231.

Prior to, and with a view to, the late election in Louisiana white men associated themselves together in armed bodies called "White Leagues," and at the same time threats were made in the Democratic journals of the State that the election should be carried against the Republicans at all hazards, which very naturally greatly alarmed the colored voters. By section 8 of the act of February 28, 1871, it is made the duty of United States marshals and their deputies at polls where votes are cast for Representatives in Congress to keep the peace and prevent any violations of the so-called enforcement acts and other offenses against the laws of the United States; and upon a requisition of the marshal of Louisiana, and in view of said armed organizations and other portentous circumstances, I caused detachments of troops to be stationed in various localities in the State, to aid him in the performance of his official duties. That there was intimidation of Republican voters at the election, notwithstanding these precautions, admits of no doubt. The following are specimens of the means used:

On the 14th of October eighty persons signed and published the following at Shreveport:

> We, the undersigned, merchants of the city of Shreveport, in obedience to a request of the Shreveport Campaign Club, agree to use every endeavor to get our employees to vote the People's ticket at the ensuing election, and in the event of their refusal so to do, or in case they vote the Radical ticket, to refuse to employ them at the expiration of their present contracts.

On the same day another large body of persons published in the same place a paper in which they used the following language:

> We, the undersigned, merchants of the city of Shreveport, alive to the great importance of securing good and honest government to the State, do agree and pledge ourselves not to advance any supplies or money to any planter the coming year who will give employment or rent lands to laborers who vote the Radical ticket in the coming election.

I have no information of the proceedings of the returning board for said election which may not be found in its report, which has been published; but it is a matter of public information that a great part of the time taken to canvass the votes was consumed by the arguments of lawyers, several of whom represented each party before the board. I have no evidence that the proceedings of this board were not in accordance with the law under which they acted. Whether in excluding from their count certain returns they were right or wrong is a question that depends upon the evidence they had before them; but it is very clear that the law gives them the power, if they choose to exercise it, of deciding that way, and, *prima facie*, the persons whom they return as elected are entitled to the offices for which they were candidates.

Respecting the alleged interference by the military with the organization of the legislature of Louisiana on the 4th instant, I have no knowledge or information which has not been received by me since that time and published. My first information was from the papers of the morning of the 5th of January. I did not know that any such thing was anticipated, and no orders nor suggestions were ever given to any military officer in that State upon that subject prior to the occurrence. I am well aware that any military interference by the officers or troops of the United States with the organization of the State legislature or any of its proceedings, or with any civil department of the Government, is repugnant to our ideas of government. I can conceive of no case, not involving rebellion or insurrection, where such interference by authority of the General Government ought to be permitted or can be justified. But there are circumstances connected with the late legislative imbroglio in Louisiana which seem to exempt the military from any intentional wrong in that matter. Knowing that they had been placed in Louisiana to prevent domestic violence and aid in the enforcement of the State laws, the officers and troops of the United States may well have supposed that it was their duty to act when called upon by the governor for that purpose.

Each branch of a legislative assembly is the judge of the election and qualifications of its own members; but if a mob or a body of unauthorized persons seize and hold the legislative hall in a tumultuous and riotous manner, and so prevent any organization by those legally returned as elected, it might become the duty of the State executive to interpose, if requested by a majority of the members elect, to suppress the disturbance and enable the persons elected to organize the house.

Any exercise of this power would only be justifiable under most extraordinary circumstances, and it would then be the duty of the governor to call upon the constabulary or, if necessary, the military force of the State. But with reference to Louisiana, it is to be borne in mind that any attempt by the governor to use the police force of that State at this time would have undoubtedly precipitated a bloody conflict with the White League, as it did on the 14th of September.

There is no doubt but that the presence of the United States troops upon that occasion prevented bloodshed and the loss of life. Both parties appear to have relied upon them as conservators of the public peace.

The first call was made by the Democrats, to remove persons obnoxious to them from the legislative halls; and the second was from the Republicans, to remove persons who had usurped seats in the legislature without legal certificates authorizing them to seats, and in sufficient number to change the majority.

Nobody was disturbed by the military who had a legal right at that time to occupy a seat in the legislature. That the Democratic minority of the house undertook to seize its organization by fraud and violence; that in this attempt they trampled under foot law; that they undertook to make persons not returned as elected members, so as to create a majority; that they acted under a preconcerted plan, and under false pretenses introduced into the hall a body of men to support their pretensions by force if necessary, and that conflict, disorder, and riotous proceedings followed are facts that seem to be well established; and I am credibly informed that these violent proceedings were a part of a premeditated plan to have the house organized in this way, recognize what has been called the McEnery senate, then to depose Governor Kellogg, and so revolutionize the State government.

Whether it was wrong for the governor, at the request of the majority of the members returned as elected to the house, to use such means as were in his power to defeat these lawless and revolutionary proceedings is perhaps a debatable question; but it is quite certain that there would have been no trouble if those who now complain of illegal interference had allowed the house to be organized in a lawful and regular manner. When those who inaugurate disorder and anarchy disavow such proceedings, it will be time enough to condemn those who by such means as they have prevent the success of their lawless and desperate schemes.

Lieutenant-General Sheridan was requested by me to go to Louisiana to observe and report the situation there, and, if in his opinion necessary, to assume the command, which he did on the 4th instant, after the legislative disturbances had occurred, at 9 o'clock p. m., a number of hours after the disturbances. No party motives nor prejudices can reasonably be imputed to him; but honestly convinced by what he has seen and heard there, he has characterized the leaders of the White Leagues in severe terms and suggested summary modes of procedure against them, which, though they can not be adopted, would, if legal, soon put an end to the troubles and disorders in that State. General Sheridan was looking at facts, and possibly, not thinking of proceedings which would be the only proper ones to pursue in time of peace, thought more of the utterly lawless condition of society surrounding him at the time of his dispatch and of what would prove a sure remedy. He never proposed to do an illegal act nor expressed determination to proceed beyond what the law in the future might authorize for the punishment of the atrocities which have been committed, and the commission of which can not be successfully denied. It is a deplorable fact that political crimes and murders have been committed in Louisiana which have gone unpunished, and which have been justified or apologized for, which must rest as a reproach upon the State and country long after the present generation has passed away.

I have no desire to have United States troops interfere in the domestic concerns of Louisiana or any other State.

On the 9th of December last Governor Kellogg telegraphed to me his apprehensions that the White League intended to make another attack upon the statehouse, to which, on the same day, I made the following answer, since which no communication has been sent to him:

> Your dispatch of this date just received. It is exceedingly unpalatable to use troops in anticipation of danger. Let the State authorities be right, and then proceed with their duties without apprehension of danger. If they are then molested, the question will be determined whether the United States is able to maintain law and order within its limits or not.

I have deplored the necessity which seemed to make it my duty under the Constitution and laws to direct such interference. I have always refused except where it seemed to be my imperative duty to act in such a manner under the Constitution and laws of the United States. I have repeatedly and earnestly entreated the people of the South to live together in peace and obey the laws; and nothing would give me greater pleasure than to see reconciliation and tranquillity everywhere prevail, and thereby remove all necessity for the presence of troops among them. I regret, however, to say that this state of things does not exist, nor does its existence seem to be desired, in some localities; and as to those it may be proper for me to say that to the extent that Congress has conferred power upon me to prevent it neither Kuklux Klans, White Leagues, nor any other association using arms and violence to execute their unlawful purposes can be permitted in that way to govern any part of this country; nor can I see with indifference Union men or Republicans ostracized, persecuted, and murdered on account of their opinions, as they now are in some localities.

I have heretofore urged the case of Louisiana upon the attention of Congress, and I can not but think that its inaction has produced great evil.

To summarize: In September last an armed, organized body of men, in the support of candidates who had been put in nomination for the offices of governor and lieutenant-governor at the November election in 1872, and who had been declared not elected by the board of canvassers, recognized by all the courts to which the question had been submitted, undertook to subvert and overthrow the State government that had been recognized by me in accordance with previous precedents. The recognized governor was driven from the statehouse, and but for his finding shelter in the United States custom-house, in the capital of the State of which he was governor, it is scarcely to be doubted that he would have been killed.

From the statehouse, before he had been driven to the custom-house, a call was made, in accordance with the fourth section, fourth article, of the Constitution of the United States, for the aid of the General Government to suppress domestic violence. Under those circumstances, and in accordance with my sworn duties, my proclamation* of the 15th of September, 1874, was issued. This served to reinstate Governor Kellogg to his position nominally, but it can not be claimed that the insurgents have to this day surrendered to the State authorities the arms belonging to the State, or that they have in any sense disarmed. On the contrary, it is known that the same armed organizations that existed on the 14th of September, 1874, in opposition to the recognized State government, still retain their organization, equipments, and commanders, and can be called out at any hour to resist the State government. Under these circumstances the same military force has been continued in Louisiana as was sent there under the first call, and under the same general instructions. I repeat that the task assumed by the troops is not a pleasant one to them; that the Army is not composed of lawyers, capable of judging at a moment's notice of just how far they can go in the maintenance of law and order, and that it was impossible to give specific instructions providing for all possible contingencies that might arise. The troops were bound to act upon the judgment of the commanding officer upon each sudden contingency that arose, or wait instructions which could only reach them after the threatened wrongs had been committed which they were called on to prevent. It should be recollected, too, that upon my recognition of the Kellogg government I reported the fact, with the grounds of recognition, to Congress, and asked that body to take action in the matter; otherwise I should regard their silence as an acquiescence in my course. No action has been taken by that body, and I have maintained the position then marked out.

---

*See pp. 4230-4231.

If error has been committed by the Army in these matters, it has always been on the side of the preservation of good order, the maintenance of law, and the protection of life. Their bearing reflects credit upon the soldiers, and if wrong has resulted the blame is with the turbulent element surrounding them.

I now earnestly ask that such action be taken by Congress as to leave my duties perfectly clear in dealing with the affairs of Louisiana, giving assurance at the same time that whatever may be done by that body in the premises will be executed according to the spirit and letter of the law, without fear or favor.

I herewith transmit copies of documents containing more specific information as to the subject-matter of the resolution.

U. S. GRANT.

EXECUTIVE MANSION, *January 14, 1875.*

To the Senate of the United States:

Senate bill No. 1044, "to provide for the resumption of specie payments," is before me, and this day receives my signature of approval.

I venture upon this unusual method of conveying the notice of approval to the "House in which the measure originated" because of its great importance to the country at large and in order to suggest further legislation which seems to me essential to make this law effective.

It is a subject of congratulation that a measure has become law which fixes a date when specie resumption shall commence and implies an obligation on the part of Congress, if in its power, to give such legislation as may prove necessary to redeem this promise.

To this end I respectfully call your attention to a few suggestions:

First. The necessity of an increased revenue to carry out the obligation of adding to the sinking fund annually 1 per cent of the public debt, amounting now to about $34,000,000 per annum, and to carry out the promises of this measure to redeem, under certain contingencies, eighty millions of the present legal-tenders, and, without contingency, the fractional currency now in circulation.

How to increase the surplus revenue is for Congress to devise, but I will venture to suggest that the duty on tea and coffee might be restored without permanently enhancing the cost to the consumers, and that the 10 per cent horizontal reduction of the tariff on articles specified in the law of June 6, 1872, be repealed. The supply of tea and coffee already on hand in the United States would in all probability be advanced in price by adopting this measure. But it is known that the adoption of free entry to those articles of necessity did not cheapen them, but merely added to the profits of the countries producing them, or of the middlemen in those countries, who have the exclusive trade in them.

Second. The first section of the bill now under consideration provides that the fractional currency shall be redeemed in silver coin as rapidly as practicable. There is no provision preventing the fluctuation in the value of the paper currency. With gold at a premium of anything over 10 per cent above the currency in use, it is probable, almost certain, that silver would be bought up for exportation as fast as it was put out, or until change would become so scarce as to make the premium on it equal to the premium on gold, or sufficiently high to make it no longer profitable to buy for export, thereby causing a direct loss to the community at large and great embarrassment to trade.

As the present law commands final resumption on the 1st day of January, 1879, and as the gold receipts by the Treasury are larger than the gold payments and the currency receipts are smaller than the currency payments, thereby making monthly sales of gold necessary to meet current currency expenses, it occurs to me that these difficulties might be remedied by authorizing the Secretary of the Treasury to redeem legal-tender notes, whenever presented in sums of not less than $100 and multiples thereof, at a premium for gold of 10 per cent, less interest at the rate of 2½ per cent per annum from the 1st day of January, 1875, to the date of putting this law into operation, and diminishing this premium at the same rate until final resumption, changing the rate of premium demanded from time to time as the interest amounts to one-quarter of 1 per cent. I suggest this rate of interest because it would bring currency at par with gold at the date fixed by law for final resumption. I suggest 10 per cent as the demand premium at the beginning because I believe this rate would insure the retention of silver in the country for change.

The provisions of the third section of the act will prevent combinations being made to exhaust the Treasury of coin.

With such a law it is presumable that no gold would be called for not required for legitimate business purposes. When large amounts of coin should be drawn from the Treasury, correspondingly large amounts of currency would be withdrawn from circulation, thus causing a sufficient stringency in currency to stop the outward flow of coin.

The advantages of a currency of a fixed known value would also be reached. In my opinion, by the enactment of such a law business and industries would revive and the beginning of prosperity on a firm basis would be reached.

Other means of increasing revenue than those suggested should probably be devised, and also other legislation.

In fact, to carry out the first section of the act another mint becomes a necessity. With the present facilities for coinage, it would take a period probably beyond that fixed by law for final specie resumption to coin the silver necessary to transact the business of the country.

There are now smelting furnaces, for extracting the silver and gold from the ores brought from the mountain territories, in Chicago, St. Louis, and Omaha—three in the former city—and as much of the change required will be wanted in the Mississippi Valley States, and as the metals to be coined come from west of those States, and, as I understand, the charges for transportation of bullion from either of the cities named to the mint in Philadelphia or to New York City amount to $4 for each $1,000 worth, with an equal expense for transportation back, it would seem a fair argument in favor of adopting one or more of those cities as the place or places for the establishment of new coining facilities.

I have ventured upon this subject with great diffidence, because it is so unusual to approve a measure—as I most heartily do this, even if no further legislation is attainable at this time—and to announce the fact by message. But I do so because I feel that it is a subject of such vital importance to the whole country that it should receive the attention of and be discussed by Congress and the people through the press, and in every way, to the end that the best and most satisfactory course may be reached of executing what I deem most beneficial legislation on a most vital question to the interests and prosperity of the nation.

U. S. GRANT.

EXECUTIVE MANSION, *January 20, 1875.*

To the House of Representatives:

I have the honor to transmit herewith a report from a board composed of one person named by the head of each Executive Department and of the Department of Agriculture and Smithsonian Institution, for the purpose of securing a complete and harmonious arrangement of the articles and materials designed to be exhibited from the Executive Departments of the Government at the international exhibition to be held in the city of Philadelphia in the year 1876 for the purpose of celebrating the one hundredth anniversary of the independence of the United States. The report gives a statement of what is proposed to be exhibited by each Department, together with an estimate of the expense which will have to be incurred. Submitting to Congress the estimate made by the board, I recommend that Congress make a suitable appropriation to enable the different Departments to make a complete and creditable showing of the articles and materials designed to be exhibited by the Government, and which will undoubtedly form one of the most interesting features of the exhibition.

U. S. GRANT.

EXECUTIVE MANSION, *January 20, 1875.*

To the Senate and House of Representatives:

In my annual message of December 1, 1873, while inviting general attention to all the recommendations made by the Secretary of War, your special consideration was invited to "the importance of preparing for war in time of peace by providing proper armament for our seacoast defenses. Proper armament is of vastly more importance than fortifications. The latter can be supplied very speedily for temporary purposes when needed; the former can not."

These views gain increased strength and pertinence as the years roll by, and I have now again the honor to call special attention to the condition of the "armament of our fortifications" and the absolute necessity for immediate provision by Congress for the procurement of heavy cannon. The large expenditures required to supply the number of guns for our forts is the strongest argument that can be adduced for a liberal annual appropriation for their gradual accumulation. In time of war such preparations can not be made; cannon can not be purchased in open market nor manufactured at short notice; they must be the product of years of experience and labor.

I herewith inclose copies of a report of the Chief of Ordnance and of a board of ordnance officers on the trial of an 8-inch rifle converted from a 10-inch smoothbore, which shows very conclusively an economical means of utilizing these useless smoothbores and making them into 8-inch rifles, capable of piercing 7 inches of iron. The 1,294 10-inch Rodman guns should, in my opinion, be so utilized, and the appropriation requested by the Chief of Ordnance of $250,000 to commence these conversions is urgently recommended.

While convinced of the economy and necessity of these conversions, the determination of the best and most economical method of providing guns of still larger caliber should no longer be delayed. The experience of other nations, based on the new conditions of defense brought prominently forward by the introduction of ironclads into every navy afloat, demands heavier metal and rifle guns of not less than 12 inches in caliber. These enormous masses, hurling a shot of 700 pounds, can alone meet many of the requirements of the national defenses. They must be provided, and experiments on a large scale can alone give the data necessary for the determination of the question. A suitable proving ground, with all the facilities and conveniences referred to by the Chief of Ordnance, with a liberal annual appropriation, is an undoubted necessity.

The guns now ready for trial can not be experimented with without funds, and the estimate of $250,000 for the purpose is deemed reasonable and is strongly recommended.

The constant appeals for legislation on the "armament of fortifications" ought no longer to be disregarded if Congress desires in peace to prepare the important material without which future wars must inevitably lead to disaster.

This subject is submitted with the hope that the consideration it deserves may be given it at the present session.

U. S. GRANT.

EXECUTIVE MANSION, *January 25, 1875*.

To the Senate and House of Representatives:

I have the honor to transmit herewith the report of the commission of engineers appointed in compliance with the act of Congress approved June 22, 1874, to investigate and report a permanent plan for the reclamation of the alluvial basin of the Mississippi River subject to inundation.

U. S. GRANT.

EXECUTIVE MANSION, *January 26, 1875*.

To the Senate and House of Representatives:

I have the honor to transmit herewith, for the information of Congress, a report of the progress made to this date by the United States Centennial Commission appointed in accordance with the requirements of the act approved June 1, 1872.

U. S. GRANT.

WASHINGTON, *February 1, 1875*.

To the Senate of the United States:

I transmit to the Senate, for consideration with a view to ratification, a treaty concluded on the 30th ultimo between this Government and His Hawaiian Majesty, on the subject of commercial reciprocity. I also transmit, for the information of the Senate, the papers mentioned in the subjoined list, relating to the commerce between the United States and the Hawaiian Islands.

U. S. GRANT.

EXECUTIVE MANSION, *February 3, 1875*.

To the Senate and House of Representatives:

I have the honor to lay before Congress a communication of the Secretary of War relative to the action taken in issuing certain supplies to the suffering people in Kansas and Nebraska, in consequence of the drought and grasshopper plague, and to respectfully request that such action be approved.

U. S. GRANT.

EXECUTIVE MANSION, *February 8, 1875*.

To the Senate of the United States:

Herewith I have the honor to send, in accordance with the resolution of the Senate of the 3d instant, all the information in my possession not heretofore furnished relating to affairs in the State of Arkansas.

I will venture to express the opinion that all the testimony shows that in the election of 1872 Joseph Brooks was lawfully elected governor of that State; that he has been unlawfully deprived of the possession of his office since that time; that in 1874 the constitution of the State was by violence, intimidation, and revolutionary proceedings overthrown and a new constitution adopted and a new State government established.

These proceedings, if permitted to stand, practically ignore all rights of minorities in all the States. Also, what is there to prevent each of the States recently readmitted to Federal relations on certain conditions changing their constitutions and violating their pledges if this action in Arkansas is acquiesced in?

I respectfully submit whether a precedent so dangerous to the stability of State government, if not of the National Government also, should be recognized by Congress. I earnestly ask that Congress will take definite action in this matter to relieve the Executive from acting upon questions which should be decided by the legislative branch of the Government.

U. S. GRANT.

EXECUTIVE MANSION, *February 19, 1875*.

To the Senate and House of Representatives:

Under the requirements of section 6 of the "act for the government of the District of Columbia, and for other purposes," approved June 20, 1874, I have the honor to submit herewith the report of the board of audit upon the amount equitably chargeable to the street-railroad companies pursuant to the charters of said companies or the acts of Congress relating thereto, together with the reasons therefor.

U. S. GRANT.

VETO MESSAGES.

EXECUTIVE MANSION, *January 30, 1875*.

To the House of Representatives:

I have the honor to return herewith House bill No. 4462, entitled "An act for the relief of Alexander Burtch," from which I withhold my approval for the reasons given in the accompanying letter of the Secretary of War.

U. S. GRANT.

WAR DEPARTMENT,
Washington City, January 28, 1875.

The PRESIDENT.

SIR: I have the honor to return House bill No. 4462, "for the relief of Alexander Burtch."

It appears from the records of this office that Alexander Burtch, Company H, First Indiana Artillery, enlisted July 24, 1861, for three years, reenlisted as a veteran January 1, 1864, and deserted at Fort Gaines, Ala., September 25, 1865, and was a deserter at large at date of muster-out of his company, January 10, 1866.

This Department emphatically objects to this bill becoming a law upon the ground of its great injustice to every soldier who served honorably until his services were no longer required by the Government.

Very respectfully, your obedient servant,

WM. W. BELKNAP,
Secretary of War.

EXECUTIVE MANSION, *February 12, 1875.*

To the House of Representatives:

I have the honor to return herewith House bill No. 2352, entitled "An act granting a pension to Lewis Hinely," from which I withhold my approval for the reasons given in the accompanying letter of the Secretary of the Interior.

U. S. GRANT.

DEPARTMENT OF THE INTERIOR,
Washington, February 11, 1875.

The PRESIDENT.

SIR: I have the honor to return herewith House bill No. 2352, "granting a pension to Lewis Hinely."

I am informed by the Commissioner of Pensions that the act does not designate the person for whose benefit it was passed. His true name, as verified by his own signature to papers on file in the Pension Office, is Louis Heinlig, and as there were several soldiers in the company and regiment named in the act whose names are similar to that specified therein, a correction appears to be necessary in order that the beneficiary of the act may be properly identified should the bill become a law.

I have the honor to be, very respectfully, your obedient servant,

C. DELANO, *Secretary.*

WASHINGTON, *March 3, 1875.*

*To the House of Representatives:**

House bill No. 3341† is herewith returned without my approval, for the reasons, first, that it appropriates from the Treasury a large sum of money at a time when the revenue is insufficient for current wants and this proposed further drain on the Treasury. The issue of bonds, authorized by the bill to a very large and indefinite amount, would seriously embarrass the refunding operations now progressing, whereby the interest of the bonded debt of the United States is being largely reduced. Second, I do not believe that any considerable portion of the ex-soldiers who, it is supposed, will be beneficiaries of this appropriation are applicants for it, but, rather, it would result more in a measure for the relief of claim agents and middlemen who would intervene to collect or discount the bounties granted by it. The passage of this bill at this time is inconsistent with the measures of economy now demanded by the necessities of the country.

---

*Pocket veto. This message was written in the President's room at the Capitol, but failed to reach the House of Representatives before the final adjournment of Congress. The original is filed at the Executive Mansion.

†"An act to equalize the bounties of soldiers who served in the late war for the Union."

U. S. GRANT.

[The following messages were sent to the special session of the Senate convened by proclamation (see p. 4278.) of February 17, 1875.]

SPECIAL MESSAGES.

WASHINGTON, *March 8, 1875.*

To the Senate of the United States:

I nominate in the Medical Department, Army of the United States, Benjamin F. Pope, assistant surgeon, to rank from May 14, 1867.

NOTE.—October 5, 1870, Assistant Surgeon B. F. Pope, United States Army, applied for discharge to date December 31, 1870, under section 3, act of July 15, 1870.

By letter from the Adjutant-General's Office, War Department, November 2, 1870, he was informed he could not be discharged as requested, as the President had decided staff officers did not come under the provisions of the act.

Subsequently the President decided that staff officers who applied and could be spared could go out under the act. Accordingly, Assistant Surgeon Pope was discharged, on his original application, to date December 31, 1870, by special order of that date, this because time did not permit to communicate with him, and the belief that his desire to leave the service was unchanged.

He drew a year's pay and mileage under the order, came to Washington, and on May 19, 1871, applied for revocation of the order of discharge on the ground that, having been officially notified of disapproval, he had made arrangements to remain in service. Forwarded by the Surgeon-General recommended. Disapproved by the Secretary of War May 23, 1871.

June 17, 1871, the order of discharge was revoked. Assistant-Surgeon Pope then refunded the year's pay and mileage and drew pay for continuous service.

U. S. GRANT.

WASHINGTON, *March 9, 1875.*

To the Senate of the United States:

Pursuant to the authority conferred upon me by the joint resolution of Congress approved on the 17th of June last, due notice was, on the 1st day of July last, given to the Government of Belgium, through the minister of the United States at Brussels, of the desire of this Government to terminate the treaty between the United States and His Majesty the King of the Belgians of the 17th of July, 1858. It being deemed advisable, however, that another instrument, with provisions more consonant with the interests of this country, should be entered into with that Government, I directed that negotiations should be set on foot for the purpose. They have resulted in the treaty* between the same parties of the 8th instant, which is now transmitted for the consideration of the Senate with a view to its ratification.

U. S. GRANT.

WASHINGTON, *March 15, 1875.*

To the Senate:

In answer to the resolution of the Senate of the 12th of March instant, I herewith transmit a report † from the Secretary of State, with accompanying correspondence.

U. S. GRANT.

EXECUTIVE MANSION, *March 17, 1875.*

To the Senate of the United States:

I have the honor to transmit herewith communications from the Secretaries of War and the Interior, in answer to the resolution of the Senate of the 15th instant, requesting "any information in my possession in regard to the proposed emigration to the Black Hills country, in the Sioux Indian Reservation; whether such emigration is with the consent of the Indian tribes holding said country under the treaty of February 24, 1869, and, if not, what measures will be taken in relation to the same."

U. S. GRANT.

PROCLAMATIONS.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas it is provided in the Constitution of the United States that the United States shall protect every State in the Union, on application of the legislature, or of the executive (when the legislature can not be convened), against domestic violence; and

Whereas it is provided by the laws of the United States that in all cases of insurrection in any State or of obstruction to the laws thereof it shall be lawful for the President of the United States, on application of the legislature of such State, or of the executive (when the legislature can not be convened), to call forth the militia of any other State or States, or to employ such part of the land and naval force as shall be judged necessary, for the purpose of suppressing such insurrection or of causing the laws to be duly executed; and

---

*Of commerce and navigation.

†Stating that the question of indemnity demanded from Spain for the execution or detention of a portion of the crew of the steamer *Virginius* and for the execution of passengers, citizens of the United States, had been disposed of by an agreement between the two countries, and transmitting correspondence connected therewith.

Whereas the legislature of the State of Mississippi, now in session, have represented to me, in a concurrent resolution of that body, that several of the legally elected officers of Warren County, in said State, are prevented from executing the duties of their respective offices by force and violence; that the public buildings and records of said county have been taken into the possession of and are now held by lawless and unauthorized persons; that many peaceable citizens of said county have been killed, and others have been compelled to abandon and remain away from their homes and families; that illegal and riotous seizures and imprisonments have been made by such lawless persons; and, further, that a large number of armed men from adjacent States have invaded Mississippi to aid such lawless persons, and are still ready to give them such aid; and

Whereas it is further represented as aforesaid by said legislature that the courts of said county can not be held, and that the governor of said State has no sufficient force at his command to execute the laws thereof in said county and suppress said violence without causing a conflict of races and endangering life and property to an alarming extent; and

Whereas the said legislature as aforesaid have made application to me for such part of the military force of the United States as may be necessary and adequate to protect said State and the citizens thereof against the domestic violence hereinbefore mentioned and to enforce the due execution of the laws; and

Whereas the laws of the United States require that whenever it may be necessary, in the judgment of the President, to use the military force for the purposes aforesaid, he shall forthwith, by proclamation, command such insurgents to disperse and retire peaceably to their respective abodes within a limited time:

Now, therefore, I, Ulysses S. Grant, President of the United States, do hereby command said disorderly and turbulent persons to disperse and retire peaceably to their respective abodes within five days from the date hereof, and that they refrain from forcible resistance to the laws and submit themselves peaceably to the lawful authorities of said county and State.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 21st day of December, A. D. 1874, and of the Independence of the United States the ninety-ninth.

U. S. GRANT.

By the President:

HAMILTON FISH, *Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas objects of interest to the United States require that the Senate should be convened at 12 o'clock on the 5th day of March next to receive and act upon such communications as may be made to it on the part of the Executive:

Now, therefore, I, Ulysses S. Grant, President of the United States, have considered it to be my duty to issue this my proclamation, declaring that an extraordinary occasion requires the Senate of the United States to convene for the transaction of business at the Capitol, in the city of Washington, on the 5th day of March next, at 12 o'clock at noon on that day, of which all who shall at that time be entitled to act as members of that body are hereby required to take notice.

Given under my hand and the seal of the United States, at Washington, the 17th day of February, A. D. 1875, and of the Independence of the United States of America the ninety-ninth.

[SEAL.]

U. S. GRANT.

By the President:

HAMILTON FISH,
Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas by the eighth section of the act of Congress entitled "An act for the creation of a court for the adjudication and disposition of certain moneys received into the Treasury under an award made by the tribunal of arbitration constituted by virtue of the first article of the treaty concluded at Washington the 8th of May, A. D. 1871, between the United States of America and the Queen of Great Britain," approved June 23, 1874, it is provided—

> That the judges of the court created by this act shall convene in the city of Washington as soon as conveniently may be after their appointment; and the said court shall exist for one year from the date of its first convening and organizing; and should it be found impracticable to complete the work of the said court before the expiration of the said one year, the President may by proclamation extend the time of the duration thereof to a period not more than six months beyond the expiration of the said one year; and in such case all the provisions of this act shall be taken and held to be the same as though the continuance of the said court had been originally fixed by this act at the limit to which it may be thus extended.

And whereas it has been made satisfactorily to appear to me that the said court convened on the 22d of July, 1874, and that a large portion of the business of said court still remains undisposed of, and that it is found impracticable to complete the work of the said court before the expiration of the said one year from its first convening and organizing:

Now, therefore, be it known that I, Ulysses S. Grant, President of the United States of America, by virtue of the authority vested in me by the provisions of the said eighth section of the act of Congress aforesaid, do hereby extend the time of the duration of said "Court of Commissioners of Alabama Claims" for a period of six months from and after the 22d day of July, A. D. 1875.

In testimony whereof I have hereunto signed my name and have caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 2d day of June, A.D. 1875, and of the Independence of the United States the ninety-ninth.

U. S. GRANT.

By the President:

HAMILTON FISH,
Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

In accordance with a practice at once wise and beautiful, we have been accustomed, as the year is drawing to a close, to devote an occasion to the humble expression of our thanks to Almighty God for the ceaseless and distinguished benefits bestowed upon us as a nation and for His mercies and protection during the closing year.

Amid the rich and free enjoyment of all our advantages, we should not forget the source from whence they are derived and the extent of our obligation to the Father of All Mercies.

We have full reason to renew our thanks to Almighty God for favors bestowed upon us during the past year.

By His continuing mercy civil and religious liberty have been maintained, peace has reigned within our borders, labor and enterprise have produced their merited rewards; and to His watchful providence we are indebted for security from pestilence and other national calamity.

Apart from national blessings, each individual among us has occasion to thoughtfully recall and devoutly recognize the favors and protection which he has enjoyed.

Now, therefore, I, Ulysses S. Grant, President of the United States, do recommend that on Thursday, the 25th day of November, the people of the United States, abstaining from all secular pursuits and from their accustomed avocations, do assemble in their respective places of worship, and, in such form as may seem most appropriate in their own hearts, offer to Almighty God their acknowledgments and thanks for all His mercies and their humble prayers for a continuance of His divine favor.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 27th day of October, A. D. 1875, and of the Independence of the United States the one hundredth.

U. S. GRANT.

By the President:

HAMILTON FISH, *Secretary of State.*

EXECUTIVE ORDERS.

EXECUTIVE MANSION, *March 9, 1875.*

In order to carry out the provisions of the fifth section of the act of Congress entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1876, and for other purposes," approved March 3, 1875, the board heretofore appointed to take charge of the articles and materials to be exhibited by the several Executive Departments, the Smithsonian Institution, and the Agricultural Department at the International Exhibition of 1876 is hereby continued under the following regulations and distribution of duties, viz:

The funds appropriated by the above-named section will be drawn from the Treasury upon the requisition of the chairman of the board, and be disbursed as are other public moneys under the existing laws relating to disbursing officers.

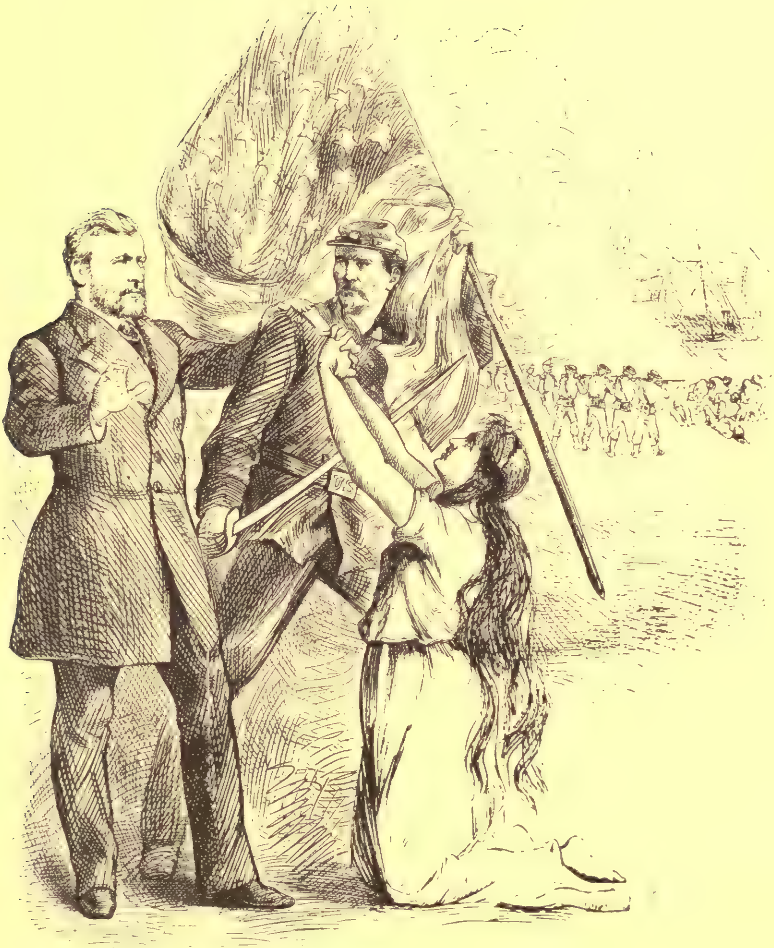
An officer of the Army will be detailed by the Secretary of War as disbursing officer of the board.

Each representative of an Executive Department and the representatives of the Smithsonian Institution, of the Agricultural Department, and the United States Commissioner of Food Fishes will have charge of the matters pertaining to his respective Department, subject to the general advisement of the board; and all bills will be paid by the disbursing officer upon vouchers certified by such representative and countersigned by the chairman of the board.

The disbursing officer will render monthly accounts current of all advances to and disbursements by him to the First Auditor of the Treasury for audit and settlement in the same manner as are other accounts of disbursing officers of the Government.

Each representative will be held responsible to the head of his respective Department for all public property of the United States furnished by the head of such Department or otherwise coming to his hands for the purposes of the exhibition, and will render proper accounts of the same to such head of Department until the property is returned.

U. S. GRANT,
President United States.



CARTOON—THE CUBAN QUESTION

President Grant: "Let's Be Sure We're Right, Then Go Ahead!"

TREASURY DEPARTMENT, *March 9, 1875.*

The BOARD OF EXAMINERS,
Treasury Department:

By direction of the President, the rules and regulations known as the civil-service rules, etc., governing appointments and promotions under the Treasury Department are hereby abolished, and hereafter all appointments will be made as provided for by section 164, Revised Statutes, enacted June 22, 1874.

You are instructed and directed to transfer all books, papers, records, and public property in your possession to the chief clerk of the Department, and notify all sub-boards of the promulgation of this order.

The clerks and other employees now on duty under the direction of the board of examiners will report to the chief clerk for assignment to duty.

I am, very respectfully,

B. H. BRISTOW, *Secretary.*

[A similar order was, by direction of the President, issued by the heads of the other Executive Departments.]

EXECUTIVE MANSION, *March 25, 1875.*

In pursuance of the fourth section of the act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1876, and for other purposes," approved March 3, 1875, a board is hereby appointed, to consist of Lieutenant-Colonel T. T. S. Laidley, Ordnance Department, United States Army, president of the board; Commander L. A. Beardslee, United States Navy; Lieutenant-Colonel Q. A. Gillmore, Engineer Department, United States Army; David Smith, Chief Engineer, United States Navy; W. Sooy Smith, civil engineer; A. S. Holly, civil engineer; R. H. Thurston, civil engineer, who will convene at the Watertown Arsenal, Mass., on April 15, 1875, or as soon thereafter as practicable, for the purpose of determining by actual tests the strength and value of all kinds of iron, steel, and other metals which may be submitted to them or by them procured, and to prepare tables which will exhibit the strength and value of said materials for constructive and mechanical purposes, and to provide for the building of a suitable machine for establishing such tests, the machine to be set up and maintained at the Watertown Arsenal.

The funds appropriated for the purposes of these tests will be disbursed under the Ordnance Department of the Army, and the board will receive instructions from and make its report to the Chief of Ordnance.

Mr. R. H. Thurston, civil engineer, is designated as secretary of the board, at an annual compensation of $1,200.

Actual traveling expenses, as provided by law, will be allowed the members of the board.

U. S. GRANT.

EXECUTIVE MANSION,
Washington, May 24, 1875.

SIR:* The President directs me to say that the several Departments of the Government will be closed on Saturday, the 29th instant, in order to enable the employees to participate in the decoration of the graves of the soldiers who fell during the rebellion.

I am, sir, your obedient servant,

O. E. BABCOCK, *Secretary.*

TREASURY DEPARTMENT,
Washington, D. C., July 3, 1875.

To Collectors of Customs:

The importation of breech-loading rifles, and fixed ammunition suitable therefor, into the Territory of Alaska, and the shipment of such rifles or ammunition to any port or place in the Territory of Alaska, are hereby forbidden, and collectors of customs are instructed to refuse clearance of any vessel having on board any such arms or ammunition destined for any port or place in said Territory.

If, however, any vessel intends to touch or trade at a port in Alaska Territory or to pass within the waters thereof, but shall be ultimately destined for some port or place not within the limits of said Territory, and shall have on board any such firearms or ammunition, the master or chief officer thereof will be required to execute and deliver to the collector of customs at the port of clearance a good and sufficient bond, with two sureties, in double the value of such merchandise, conditioned that such arms or ammunition, or any part thereof, shall not be landed or disposed of within the Territory of Alaska. Such bond shall be taken for such time as the collector shall deem proper, and may be satisfied upon proofs similar to those required to satisfy ordinary export bonds, showing that such arms have been landed at some foreign port; or, if such merchandise is landed at any port of the United States not within the limits of the Territory of Alaska, the bond may be satisfied upon production of a certificate to that effect from the collector of the port where it is so landed.

CHAS. F. CONANT, *Acting Secretary.*

Approved:

U. S. GRANT, *President.*

EXECUTIVE MANSION, *July 27, 1875.*

In conformity to provisions contained in the river and harbor act approved March 3, 1875, granting to James B. Eads and his associates authority to use, for the construction of jetties at the mouth of the Mississippi River, any materials on the public lands of the United States that shall be suitable for and may be needed in said works, under such

---

[*] Addressed to the heads of the Executive Departments, etc.

regulations as the Secretary of War shall prescribe, it is hereby ordered and directed—

1. That the general supervision of all matters properly appertaining to the grant therein made is placed in the officer of engineers, Major C. B. Comstock, detailed by the Secretary of War, under the provisions of the said act, to report to him "the depth of water and width of channel secured and maintained from time to time in said channel, together with such other information as the Secretary of War may direct."

2. *Protection of the interests of the United States so far as the taking of material is concerned.*—Said Eads and his associates shall, prior to taking material from any public lands, obtain authority to do so from the Secretary of War, their applications specifying the kinds and amounts of material they wish to take from each subdivision of the public lands; and they shall at once cease from such taking on being notified that the authority is withdrawn.

3. *Protection of the interests of the United States so far as structures are concerned.*—Said Eads and his associates and contractors are authorized to erect, at their own expense, such shops, dwellings, storehouses, and wharves on the military reservation at the mouth of the Mississippi as may be necessary for the prosecution of the work, and shall furnish a list and plan showing the location of the same to the Secretary of War; but these shall be erected in such a way and at such places as not unnecessarily to interfere with navigation or any other interest in which the United States is concerned, whereof the Secretary of War shall be the judge. At his direction any such structure shall be at once removed.

4. *Protection of James B. Eads's interests.*—No person save said Eads and his contractors shall erect any building, tent, or other habitation on the military reservation at the mouth of the Mississippi River. Any person so doing may be summarily ejected by the United States marshal or his deputy. But as authority has already been given to James B. Eads by the Secretary of War to collect the material aforesaid until he should be furnished with the regulations as now herein given, the said Eads is authorized to continue collecting materials under that authority until the 1st day of September, 1875, after which time these regulations will go into effect.

U. S. GRANT.

GENERAL ORDERS, NO. 73.

WAR DEPARTMENT,
ADJUTANT-GENERAL'S OFFICE,
Washington, August 2, 1875.

I. The following order has been received from the President of the United States:

EXECUTIVE MANSION, *Washington, July 31, 1875.*

It becomes the painful duty of the President to announce to the people of the United States the death of Andrew Johnson, the last survivor of his honored predecessors, which occurred in Carter County, East Tennessee, at an early hour this morning.

The solemnity of the occasion which called him to the Presidency, with the varied nature and length of his public services, will cause him to be long remembered and occasion mourning for the death of a distinguished public servant.

As a mark of respect for the memory of the deceased, it is ordered that the Executive Mansion and several Departments of the Government at Washington be draped in mourning until the close of the day designated for his funeral, and that all public business be suspended on that day.

It is further ordered that the War and Navy Departments cause suitable honors to be paid on the occasion to the memory of the illustrious dead.

U. S. GRANT.

By the President:
JOHN L. CADWALADER,
Acting Secretary of State.

II. In compliance with the President's instructions, the troops will be paraded at 10 o'clock a. m. on the day after the receipt of this order at each military post, when the order will be read to them, and the labors of that day will thereafter cease.

The national flag will be displayed at half-staff.

At dawn of day thirteen guns will be fired, and afterwards at intervals of thirty minutes between the rising and setting sun a single gun, and at the close of the day a national salute of thirty-seven guns.

The officers of the Army will wear crape on the left arm and on their swords and the colors of the several regiments will be put in mourning for the period of thirty days.

By order of the Secretary of War:

E. D. TOWNSEND,
Adjutant-General.

SPECIAL ORDER.

NAVY DEPARTMENT,
Washington, August 2, 1875.

The President of the United States announces the death of ex-President Andrew Johnson in the following order:

[For order see preceding page.]

In pursuance of the foregoing order, it is hereby directed that the ensign at each naval station and of each vessel of the United States Navy in commission be hoisted at half-mast from sunrise to sunset, and that a gun be fired at intervals of every half hour from sunrise to sunset at each naval station and on board of flagships and of vessels acting singly, on

Tuesday, the 3d instant, the day of the funeral, where this order may be received in time, otherwise on the day after its receipt.

The officers of the Navy and Marine Corps will wear the usual badge of mourning attached to the sword hilt and on the left arm for the period of thirty days.

DANIEL AMMEN,
Acting Secretary of the Navy.

GENERAL ORDERS, NO. 97.

WAR DEPARTMENT,
ADJUTANT-GENERAL'S OFFICE,
Washington, November 22, 1875.

I. The following order announces the decease of Henry Wilson, Vice-President of the United States:

EXECUTIVE MANSION,
Washington, November 22, 1875.

It is with profound sorrow that the President has to announce to the people of the United States the death of the Vice-President, Henry Wilson, who died in the Capitol of the nation this morning.

The eminent station of the deceased, his high character, his long career in the service of his State and of the Union, his devotion to the cause of freedom, and the ability which he brought to the discharge of every duty stand conspicuous and are indelibly impressed on the hearts and affections of the American people.

In testimony of respect for this distinguished citizen and faithful public servant the various Departments of the Government will be closed on the day of the funeral, and the Executive Mansion and all the Executive Departments in Washington will be draped with badges of mourning for thirty days.

The Secretaries of War and of the Navy will issue orders that appropriate military and naval honors be rendered to the memory of one whose virtues and services will long be borne in recollection by a grateful nation.

U. S. GRANT.

By the President:
HAMILTON FISH,
Secretary of State.

II. On the day next succeeding the receipt of this order at each military post the troops will be paraded at 10 o'clock a. m. and this order read to them.

The national flag will be displayed at half-staff.

At dawn of day thirteen guns will be fired. Commencing at 12 o'clock noon seventeen minute guns will be fired, and at the close of the day the national salute of thirty-seven guns.

The usual badge of mourning will be worn by officers of the Army and the colors of the several regiments will be put in mourning for the period of three months.

By order of the Secretary of War:

E. D. TOWNSEND, *Adjutant-General.*

SPECIAL ORDER.

NAVY DEPARTMENT,
Washington, November 23, 1875.

The President of the United States announces the death of Vice-President Henry Wilson in the following order:

[For order see preceding page.]

In pursuance of the foregoing order, it is hereby directed that upon the day following the receipt of this the ensign at each United States naval station and of each United States naval vessel in commission be hoisted at half-mast from sunrise to sunset, and that thirteen guns be fired at sunrise, nineteen minute guns at meridian, and a national salute at sunset at each United States naval station and on board flagships and vessels acting singly, at home or abroad.

The officers of the Navy and Marine Corps will wear the usual badge of mourning for three months.

GEO. M. ROBESON,
Secretary of the Navy.

SEVENTH ANNUAL MESSAGE.

EXECUTIVE MANSION, *December 7, 1875.*

To the Senate and House of Representatives:

In submitting my seventh annual message to Congress, in this centennial year of our national existence as a free and independent people, it affords me great pleasure to recur to the advancement that has been made from the time of the colonies, one hundred years ago. We were then a people numbering only 3,000,000. Now we number more than 40,000,000. Then industries were confined almost exclusively to the tillage of the soil. Now manufactories absorb much of the labor of the country.

Our liberties remain unimpaired; the bondmen have been freed from slavery; we have become possessed of the respect, if not the friendship, of all civilized nations. Our progress has been great in all the arts—in science, agriculture, commerce, navigation, mining, mechanics, law, medicine, etc.; and in general education the progress is likewise encouraging.

Our thirteen States have become thirty-eight, including Colorado (which has taken the initiatory steps to become a State), and eight Territories, including the Indian Territory and Alaska, and excluding Colorado, making a territory extending from the Atlantic to the Pacific. On the south we have extended to the Gulf of Mexico, and in the west from the Mississippi to the Pacific.

One hundred years ago the cotton gin, the steamship, the railroad, the telegraph, the reaping, sewing, and modern printing machines, and numerous other inventions of scarcely less value to our business and happiness were entirely unknown.

In 1776 manufactories scarcely existed even in name in all this vast territory. In 1870 more than 2,000,000 persons were employed in manufactories, producing more than $2,100,000,000 of products in amount annually, nearly equal to our national debt. From nearly the whole of the population of 1776 being engaged in the one occupation of agriculture, in 1870 so numerous and diversified had become the occupation of our people that less than 6,000,000 out of more than 40,000,000 were so engaged. The extraordinary effect produced in our country by a resort to diversified occupations has built a market for the products of fertile lands distant from the seaboard and the markets of the world.

The American system of locating various and extensive manufactories next to the plow and the pasture, and adding connecting railroads and steamboats, has produced in our distant interior country a result noticeable by the intelligent portions of all commercial nations. The ingenuity and skill of American mechanics have been demonstrated at home and abroad in a manner most flattering to their pride. But for the extraordinary genius and ability of our mechanics, the achievements of our agriculturists, manufacturers, and transporters throughout the country would have been impossible of attainment.

The progress of the miner has also been great. Of coal our production was small; now many millions of tons are mined annually. So with iron, which formed scarcely an appreciable part of our products half a century ago, we now produce more than the world consumed at the beginning of our national existence. Lead, zinc, and copper, from being articles of import, we may expect to be large exporters of in the near future. The development of gold and silver mines in the United States and Territories has not only been remarkable, but has had a large influence upon the business of all commercial nations. Our merchants in the last hundred years have had a success and have established a reputation for enterprise, sagacity, progress, and integrity unsurpassed by peoples of older nationalities. This "good name" is not confined to their homes, but goes out upon every sea and into every port where commerce enters. With equal pride we can point to our progress in all of the learned professions.

As we are now about to enter upon our second centennial—commencing our manhood as a nation—it is well to look back upon the past and study what will be best to preserve and advance our future greatness. From the fall of Adam for his transgression to the present day no nation has ever been free from threatened danger to its prosperity and happiness. We should look to the dangers threatening us, and remedy them so far as lies in our power. We are a republic whereof one man is as good as another before the law. Under such a form of government it is of the greatest importance that all should be possessed of education and intelligence enough to cast a vote with a right understanding of its meaning. A large association of ignorant men can not for any considerable period oppose a successful resistance to tyranny and oppression from the educated few, but will inevitably sink into acquiescence to the will of intelligence, whether directed by the demagogue or by priestcraft. Hence the education of the masses becomes of the first necessity for the preservation of our institutions. They are worth preserving, because they have secured the greatest good to the greatest proportion of the population of any form of government yet devised. All other forms of government approach it just in proportion to the general diffusion of education and independence of thought and action. As the primary step, therefore, to our advancement in all that has marked our progress in the past century, I suggest for your earnest consideration, and most earnestly recommend it, that a constitutional amendment be submitted to the legislatures of the several States for ratification, making it the duty of each of the several States to establish and forever maintain free public schools adequate to the education of all the children in the rudimentary branches within their respective limits, irrespective of sex, color, birthplace, or religions; forbidding the teaching in said schools of religious, atheistic, or pagan tenets; and prohibiting the granting of any school funds or school taxes, or any part thereof, either by legislative, municipal, or other authority, for the benefit or in aid, directly or indirectly, of any religious sect or denomination, or in aid or for the benefit of any other object of any nature or kind whatever.

In connection with this important question I would also call your attention to the importance of correcting an evil that, if permitted to continue, will probably lead to great trouble in our land before the close of the nineteenth century. It is the accumulation of vast amounts of untaxed church property.

In 1850, I believe, the church property of the United States which paid no tax, municipal or State, amounted to about $83,000,000. In 1860 the amount had doubled; in 1875 it is about $1,000,000,000. By 1900, without check, it is safe to say this property will reach a sum exceeding $3,000,000,000. So vast a sum, receiving all the protection and benefits of Government without bearing its proportion of the burdens and expenses of the same, will not be looked upon acquiescently by those who have to pay the taxes. In a growing country, where real estate enhances so rapidly with time, as in the United States, there is scarcely a limit to the wealth that may be acquired by corporations, religious or otherwise, if allowed to retain real estate without taxation. The contemplation of so vast a property as here alluded to, without taxation, may lead to sequestration without constitutional authority and through blood.

I would suggest the taxation of all property equally, whether church or corporation, exempting only the last resting place of the dead and possibly, with proper restrictions, church edifices.

Our relations with most of the foreign powers continue on a satisfactory and friendly footing.

Increased intercourse, the extension of commerce, and the cultivation of mutual interests have steadily improved our relations with the large majority of the powers of the world, rendering practicable the peaceful solution of questions which from time to time necessarily arise, leaving few which demand extended or particular notice.

The correspondence of the Department of State with our diplomatic representatives abroad is transmitted herewith.

I am happy to announce the passage of an act by the General Cortes of Portugal, proclaimed since the adjournment of Congress, for the abolition of servitude in the Portuguese colonies. It is to be hoped that such legislation may be another step toward the great consummation to be reached, when no man shall be permitted, directly or indirectly, under any guise, excuse, or form of law, to hold his fellow-man in bondage. I am of opinion also that it is the duty of the United States, as contributing toward that end, and required by the spirit of the age in which we live, to provide by suitable legislation that no citizen of the United States shall hold slaves as property in any other country or be interested therein.

Chile has made reparation in the case of the whale ship *Good Return*, seized without sufficient cause upward of forty years ago. Though she had hitherto denied her accountability, the denial was never acquiesced in by this Government, and the justice of the claim has been so earnestly contended for that it has been gratifying that she should have at last acknowledged it.

The arbitrator in the case of the United States steamer *Montijo*, for the seizure and detention of which the Government of the United States of Colombia was held accountable, has decided in favor of the claim. This decision has settled a question which had been pending for several years, and which, while it continued open, might more or less disturb the good understanding which it is desirable should be maintained between the two Republics.

A reciprocity treaty with the King of the Hawaiian Islands was concluded some months since. As it contains a stipulation that it shall not take effect until Congress shall enact the proper legislation for that purpose, copies of the instrument are herewith submitted, in order that, if such should be the pleasure of Congress, the necessary legislation upon the subject may be adopted.

In March last an arrangement was made, through Mr. Cushing, our minister in Madrid, with the Spanish Government for the payment by the latter to the United States of the sum of $80,000 in coin, for the purpose of the relief of the families or persons of the ship's company and certain passengers of the *Virginius.* This sum was to have been paid in three installments at two months each. It is due to the Spanish Government that I should state that the payments were fully and spontaneously anticipated by that Government, and that the whole amount was paid within but a few days more than two months from the date of the agreement, a copy of which is herewith transmitted. In pursuance of the terms of the adjustment, I have directed the distribution of the amount among the parties entitled thereto, including the ship's company and such of the passengers as were American citizens. Payments are made accordingly, on the application by the parties entitled thereto.

The past year has furnished no evidence of an approaching termination of the ruinous conflict which has been raging for seven years in the neighboring island of Cuba. The same disregard of the laws of civilized warfare and of the just demands of humanity which has heretofore called forth expressions of condemnation from the nations of Christendom has continued to blacken the sad scene. Desolation, ruin, and pillage are pervading the rich fields of one of the most fertile and productive regions of the earth, and the incendiary's torch, firing plantations and valuable factories and buildings, is the agent marking the alternate advance or retreat of contending parties.

The protracted continuance of this strife seriously affects the interests of all commercial nations, but those of the United States more than others, by reason of close proximity, its larger trade and intercourse with Cuba, and the frequent and intimate personal and social relations which have grown up between its citizens and those of the island. Moreover, the property of our citizens in Cuba is large, and is rendered insecure and depreciated in value and in capacity of production by the continuance of the strife and the unnatural mode of its conduct. The same is true, differing only in degree, with respect to the interests and people of other nations; and the absence of any reasonable assurance of a near termination of the conflict must of necessity soon compel the States thus suffering to consider what the interests of their own people and their duty toward themselves may demand.

I have hoped that Spain would be enabled to establish peace in her colony, to afford security to the property and the interests of our citizens, and allow legitimate scope to trade and commerce and the natural productions of the island. Because of this hope, and from an extreme reluctance to interfere in the most remote manner in the affairs of another and a friendly nation, especially of one whose sympathy and friendship in the struggling infancy of our own existence must ever be remembered with gratitude, I have patiently and anxiously waited the progress of events. Our own civil conflict is too recent for us not to consider the difficulties which surround a government distracted by a dynastic rebellion at home at the same time that it has to cope with a separate insurrection in a distant colony. But whatever causes may have produced the situation which so grievously affects our interests, it exists, with all its attendant evils operating directly upon this country and its people. Thus far all the efforts of Spain have proved abortive, and time has marked no improvement in the situation. The armed bands of either side now occupy nearly the same ground as in the past, with the difference, from time to time, of more lives sacrificed, more property destroyed, and wider extents of fertile and productive fields and more and more of valuable property constantly wantonly sacrificed to the incendiary's torch.

In contests of this nature, where a considerable body of people who have attempted to free themselves of the control of the superior government have reached such point in occupation of territory, in power, and in general organization as to constitute in fact a body politic; having a government in substance as well as in name; possessed of the elements of stability and equipped with the machinery for the administration of internal policy and the execution of its laws; prepared and able to administer justice at home, as well as in its dealings with other powers, it is within the province of those other powers to recognize its existence as a new and independent nation. In such cases other nations simply deal with an actually existing condition of things, and recognize as one of the powers of the earth that body politic which, possessing the necessary elements, has in fact become a new power. In a word, the creation of a new state is a fact.

To establish the condition of things essential to the recognition of this fact there must be a people occupying a known territory, united under some known and defined form of government, acknowledged by those subject thereto, in which the functions of government are administered by usual methods, competent to mete out justice to citizens and strangers, to afford remedies for public and for private wrongs, and able to assume the correlative international obligations and capable of performing the corresponding international duties resulting from its acquisition of the rights of sovereignty. A power should exist complete in its organization, ready to take and able to maintain its place among the nations of the earth.

While conscious that the insurrection in Cuba has shown a strength and endurance which make it at least doubtful whether it be in the power of Spain to subdue it, it seems unquestionable that no such civil organization exists which may be recognized as an independent government capable of performing its international obligations and entitled to be treated as one of the powers of the earth. A recognition under such circumstances would be inconsistent with the facts, and would compel the power granting it soon to support by force the government to which it had really given its only claim of existence. In my judgment the United States should adhere to the policy and the principles which have heretofore been its sure and safe guides in like contests between revolted colonies and their mother country, and, acting only upon the clearest evidence, should avoid any possibility of suspicion or of imputation.

A recognition of the independence of Cuba being, in my opinion, impracticable and indefensible, the question which next presents itself is that of the recognition of belligerent rights in the parties to the contest.

In a former message to Congress I had occasion to consider this question, and reached the conclusion that the conflict in Cuba, dreadful and devastating as were its incidents, did not rise to the fearful dignity of war. Regarding it now, after this lapse of time, I am unable to see that any notable success or any marked or real advance on the part of the insurgents has essentially changed the character of the contest. It has acquired greater age, but not greater or more formidable proportions. It is possible that the acts of foreign powers, and even acts of Spain herself, of this very nature, might be pointed to in defense of such recognition. But now, as in its past history, the United States should carefully avoid the false lights which might lead it into the mazes of doubtful law and of questionable propriety, and adhere rigidly and sternly to the rule, which has been its guide, of doing only that which is right and honest and of good report. The question of according or of withholding rights of belligerency must be judged in every case in view of the particular attending facts. Unless justified by necessity, it is always, and justly, regarded as an unfriendly act and a gratuitous demonstration of moral support to the rebellion. It is necessary, and it is required, when the interests and rights of another government or of its people are so far affected by a pending civil conflict as to require a definition of its relations to the parties thereto. But this conflict must be one which will be recognized in the sense of international law as war. Belligerence, too, is a fact. The mere existence of contending armed bodies and their occasional conflicts do not constitute war in the sense referred to. Applying to the existing condition of affairs in Cuba the tests recognized by publicists and writers on international law, and which have been observed by nations of dignity, honesty, and power when free from sensitive or selfish and unworthy motives, I fail to find in the insurrection the existence of such a substantial political organization, real, palpable, and manifest to the world, having the forms and capable of the ordinary functions of government toward its own people and to other states, with courts for the administration of justice, with a local habitation, possessing such organization of force, such material, such occupation of territory, as to take the contest out of the category of a mere rebellious insurrection or occasional skirmishes and place it on the terrible footing of war, to which a recognition of belligerency would aim to elevate it. The contest, moreover, is solely on land; the insurrection has not possessed itself of a single seaport whence it may send forth its flag, nor has it any means of communication with foreign powers except through the military lines of its adversaries. No apprehension of any of those sudden and difficult complications which a war upon the ocean is apt to precipitate upon the vessels, both commercial and national, and upon the consular officers of other powers calls for the definition of their relations to the parties to the contest. Considered as a question of expediency, I regard the accordance of belligerent rights still to be as unwise and premature as I regard it to be, at present, indefensible as a measure of right. Such recognition entails upon the country according the rights which flow from it difficult and complicated duties, and requires the exaction from the contending parties of the strict observance of their rights and obligations; it confers the right of search upon the high seas by vessels of both parties; it would subject the carrying of arms and munitions of war, which now may be transported freely and without interruption in the vessels of the United States, to detention and to possible seizure; it would give rise to countless vexatious questions, would release the parent Government from responsibility for acts done by the insurgents, and would invest Spain with the right to exercise the supervision recognized by our treaty of 1795 over our commerce on the high seas, a very large part of which, in its traffic between the Atlantic and the Gulf States and between all of them and the States on the Pacific, passes through the waters which wash the shores of Cuba. The exercise of this supervision could scarce fail to lead, if not to abuses, certainly to collisions perilous to the peaceful relations of the two States. There can be little doubt to what result such supervision would before long draw this nation. It would be unworthy of the United States to inaugurate the possibilities of such result by measures of questionable right or expediency or by any indirection. Apart from any question of theoretical right, I am satisfied that while the accordance of belligerent rights to the insurgents in Cuba might give them a hope and an inducement to protract the struggle, it would be but a delusive hope, and would not remove the evils which this Government and its people are experiencing, but would draw the United States into complications which it has waited long and already suffered much to avoid. The recognition of independence or of belligerency being thus, in my judgment, equally inadmissible, it remains to consider what course shall be adopted should the conflict not soon be brought to an end by acts of the parties themselves, and should the evils which result therefrom, affecting all nations, and particularly the United States, continue. In such event I am of opinion that other nations will be compelled to assume the responsibility which devolves upon them, and to seriously consider the only remaining measures possible—mediation and intervention.

Owing, perhaps, to the large expanse of water separating the island from the peninsula, the want of harmony and of personal sympathy between the inhabitants of the colony and those sent thither to rule them, and want of adaptation of the ancient colonial system of Europe to the present times and to the ideas which the events of the past century have developed, the contending parties appear to have within themselves no depository of common confidence to suggest wisdom when passion and excitement have their sway and to assume the part of peacemaker. In this view in the earlier days of the contest the good offices of the United States as a mediator were tendered in good faith, without any selfish purpose, in the interest of humanity and in sincere friendship for both parties, but were at the time declined by Spain, with the declaration, nevertheless, that at a future time they would be indispensable. No intimation has been received that in the opinion of Spain that time has been reached. And yet the strife continues, with all its dread horrors and all its injuries to the interests of the United States and of other nations. Each party seems quite capable of working great injury and damage to the other, as well as to all the relations and interests dependent on the existence of peace in the island; but they seem incapable of reaching any adjustment, and both have thus far failed of achieving any success whereby one party shall possess and control the island to the exclusion of the other. Under these circumstances the agency of others, either by mediation or by intervention, seems to be the only alternative which must, sooner or later, be invoked for the termination of the strife. At the same time, while thus impressed I do not at this time recommend the adoption of any measure of intervention. I shall be ready at all times, and as the equal friend of both parties, to respond to a suggestion that the good offices of the United States will be acceptable to aid in bringing about a peace honorable to both. It is due to Spain, so far as this Government is concerned, that the agency of a third power, to which I have adverted, shall be adopted only as a last expedient. Had it been the desire of the United States to interfere in the affairs of Cuba, repeated opportunities for so doing have been presented within the last few years; but we have remained passive, and have performed our whole duty and all international obligations to Spain with friendship, fairness, and fidelity, and with a spirit of patience and forbearance which negatives every possible suggestion of desire to interfere or to add to the difficulties with which she has been surrounded.

The Government of Spain has recently submitted to our minister at Madrid certain proposals which it is hoped may be found to be the basis, if not the actual submission, of terms to meet the requirements of the particular griefs of which this Government has felt itself entitled to complain. These proposals have not yet reached me in their full text. On their arrival they will be taken into careful examination, and may, I hope, lead to a satisfactory adjustment of the questions to which they refer and remove the possibility of future occurrences such as have given rise to our just complaints.

It is understood also that renewed efforts are being made to introduce reforms in the internal administration of the island. Persuaded, however, that a proper regard for the interests of the United States and of its citizens entitles it to relief from the strain to which it has been subjected by the difficulties of the questions and the wrongs and losses which arise from the contest in Cuba, and that the interests of humanity itself demand the cessation of the strife before the whole island shall be laid waste and larger sacrifices of life be made, I shall feel it my duty, should my hopes of a satisfactory adjustment and of the early restoration of peace and the removal of future causes of complaint be, unhappily, disappointed, to make a further communication to Congress at some period not far remote, and during the present session, recommending what may then seem to me to be necessary.

The free zone, so called, several years since established by the Mexican Government in certain of the States of that Republic adjacent to our frontier, remains in full operation. It has always been materially injurious to honest traffic, for it operates as an incentive to traders in Mexico to supply without customs charges the wants of inhabitants on this side of the line, and prevents the same wants from being supplied by merchants of the United States, thereby to a considerable extent defrauding our revenue and checking honest commercial enterprise.

Depredations by armed bands from Mexico on the people of Texas near the frontier continue. Though the main object of these incursions is robbery, they frequently result in the murder of unarmed and peaceably disposed persons, and in some instances even the United States post-offices and mail communications have been attacked. Renewed remonstrances upon this subject have been addressed to the Mexican Government, but without much apparent effect. The military force of this Government disposable for service in that quarter is quite inadequate to effectually guard the line, even at those points where the incursions are usually made. An experiment of an armed vessel on the Rio Grande for that purpose is on trial, and it is hoped that, if not thwarted by the shallowness of the river and other natural obstacles, it may materially contribute to the protection of the herdsmen of Texas.

The proceedings of the joint commission under the convention between the United States and Mexico of the 4th of July, 1868, on the subject of claims, will soon be brought to a close. The result of those proceedings will then be communicated to Congress.

I am happy to announce that the Government of Venezuela has, upon further consideration, practically abandoned its objection to pay to the United States that share of its revenue which some years since it allotted toward the extinguishment of the claims of foreigners generally. In thus reconsidering its determination that Government has shown a just sense of self-respect which can not fail to reflect credit upon it in the eyes of all disinterested persons elsewhere. It is to be regretted, however, that its payments on account of claims of citizens of the United States are still so meager in amount, and that the stipulations of the treaty in regard to the sums to be paid and the periods when those payments were to take place should have been so signally disregarded.

Since my last annual message the exchange has been made of the ratification of a treaty of commerce and navigation with Belgium, and of conventions with the Mexican Republic for the further extension of the joint commission respecting claims; with the Hawaiian Islands for commercial reciprocity, and with the Ottoman Empire for extradition; all of which have been duly proclaimed.

The Court of Commissioners of Alabama Claims has prosecuted its important duties very assiduously and very satisfactorily. It convened and was organized on the 22d day of July, 1874, and by the terms of the act under which it was created was to exist for one year from that date. The act provided, however, that should it be found impracticable to complete the work of the court before the expiration of the year the President might by proclamation extend the time of its duration to a period not more than six months beyond the expiration of the one year.

Having received satisfactory evidence that it would be impracticable to complete the work within the time originally fixed, I issued a proclamation* (a copy of which is presented herewith) extending the time of duration of the court for a period of six months from and after the 22d day of July last.

A report made through the clerk of the court (communicated herewith) shows the condition of the calendar on the 1st of November last and the large amount of work which has been accomplished. One thousand three hundred and eighty-two claims have been presented, of which 682 had been disposed of at the date of the report. I am informed that 170 cases were decided during the month of November. Arguments are being made and decisions given in the remaining cases with all the dispatch consistent with the proper consideration of the questions submitted. Many of these claims are in behalf of mariners, or depend on the evidence of mariners, whose absence has delayed the taking or the return of the necessary evidence.

It is represented to me that it will be impracticable for the court to finally dispose of all the cases before it within the present limit of its duration. Justice to the parties claimant, who have been at large expense in preparing their claims and obtaining the evidence in their support, suggests a short extension, to enable the court to dispose of all of the claims which have been presented.

I recommend the legislation which may be deemed proper to enable the court to complete the work before it.

---

*See pp. 4278-4279.

I recommend that some suitable provision be made, by the creation of a special court or by conferring the necessary jurisdiction upon some appropriate tribunal, for the consideration and determination of the claims of aliens against the Government of the United States which have arisen within some reasonable limitation of time, or which may hereafter arise, excluding all claims barred by treaty provisions or otherwise. It has been found impossible to give proper consideration to these claims by the Executive Departments of the Government. Such a tribunal would afford an opportunity to aliens other than British subjects to present their claims on account of acts committed against their persons or property during the rebellion, as also to those subjects of Great Britain whose claims, having arisen subsequent to the 9th day of April, 1865, could not be presented to the late commission organized pursuant to the provisions of the treaty of Washington.

The electric telegraph has become an essential and indispensable agent in the transmission of business and social messages. Its operation on land, and within the limit of particular states, is necessarily under the control of the jurisdiction within which it operates. The lines on the high seas, however, are not subject to the particular control of any one government.

In 1869 a concession was granted by the French Government to a company which proposed to lay a cable from the shores of France to the United States. At that time there was a telegraphic connection between the United States and the continent of Europe (through the possessions of Great Britain at either end of the line), under the control of an association which had, at large outlay of capital and at great risk, demonstrated the practicability of maintaining such means of communication. The cost of correspondence by this agency was great, possibly not too large at the time for a proper remuneration for so hazardous and so costly an enterprise. It was, however, a heavy charge upon a means of communication which the progress in the social and commercial intercourse of the world found to be a necessity, and the obtaining of this French concession showed that other capital than that already invested was ready to enter into competition, with assurance of adequate return for their outlay. Impressed with the conviction that the interests, not only of the people of the United States, but of the world at large, demanded, or would demand, the multiplication of such means of communication between separated continents, I was desirous that the proposed connection should be made; but certain provisions of this concession were deemed by me to be objectionable, particularly one which gave for a long term of years the exclusive right of telegraphic communication by submarine cable between the shores of France and the United States. I could not concede that any power should claim the right to land a cable on the shores of the United States and at the same time deny to the United States, or to its citizens or grantees, an equal right to land a cable on its shores. The right to control the conditions for the laying of a cable within the jurisdictional waters of the United States, to connect our shores with those of any foreign state, pertains exclusively to the Government of the United States, under such limitations and conditions as Congress may impose. In the absence of legislation by Congress I was unwilling, on the one hand, to yield to a foreign state the right to say that its grantees might land on our shores while it denied a similar right to our people to land on its shores, and, on the other hand, I was reluctant to deny to the great interests of the world and of civilization the facilities of such communication as were proposed. I therefore withheld any resistance to the landing of the cable on condition that the offensive monopoly feature of the concession be abandoned, and that the right of any cable which may be established by authority of this Government to land upon French territory and to connect with French land lines and enjoy all the necessary facilities or privileges incident to the use thereof upon as favorable terms as any other company be conceded. As the result thereof the company in question renounced the exclusive privilege, and the representative of France was informed that, understanding this relinquishment to be construed as granting the entire reciprocity and equal facilities which had been demanded, the opposition to the landing of the cable was withdrawn. The cable, under this French concession, was landed in the month of July, 1869, and has been an efficient and valuable agent of communication between this country and the other continent. It soon passed under the control, however, of those who had the management of the cable connecting Great Britain with this continent, and thus whatever benefit to the public might have ensued from competition between the two lines was lost, leaving only the greater facilities of an additional line and the additional security in case of accident to one of them. But these increased facilities and this additional security, together with the control of the combined capital of the two companies, gave also greater power to prevent the future construction of other lines and to limit the control of telegraphic communication between the two continents to those possessing the lines already laid. Within a few months past a cable has been laid, known as the United States Direct Cable Company, connecting the United States directly with Great Britain. As soon as this cable was reported to be laid and in working order the rates of the then existing consolidated companies were greatly reduced. Soon, however, a break was announced in this new cable, and immediately the rates of the other line, which had been reduced, were again raised. This cable being now repaired, the rates appear not to be reduced by either line from those formerly charged by the consolidated companies.

There is reason to believe that large amounts of capital, both at home and abroad, are ready to seek profitable investment in the advancement of this useful and most civilizing means of intercourse and correspondence.

They await, however, the assurance of the means and conditions on which they may safely be made tributary to the general good.

As these cable telegraph lines connect separate states, there are questions as to their organization and control which probably can be best, if not solely, settled by conventions between the respective states. In the absence, however, of international conventions on the subject, municipal legislation may secure many points which appear to me important, if not indispensable for the protection of the public against the extortions which may result from a monopoly of the right of operating cable telegrams or from a combination between several lines:

I. No line should be allowed to land on the shores of the United States under the concession from another power which does not admit the right of any other line or lines, formed in the United States, to land and freely connect with and operate through its land lines.

II. No line should be allowed to land on the shores of the United States which is not, by treaty stipulation with the government from whose shores it proceeds, or by prohibition in its charter, or otherwise to the satisfaction of this Government, prohibited from consolidating or amalgamating with any other cable telegraph line, or combining therewith for the purpose of regulating and maintaining the cost of telegraphing.

III. All lines should be bound to give precedence in the transmission of the official messages of the governments of the two countries between which it may be laid.

IV. A power should be reserved to the two governments, either conjointly or to each, as regards the messages dispatched from its shores, to fix a limit to the charges to be demanded for the transmission of messages.

I present this subject to the earnest consideration of Congress.

In the meantime, and unless Congress otherwise direct, I shall not oppose the landing of any telegraphic cable which complies with and assents to the points above enumerated, but will feel it my duty to prevent the landing of any which does not conform to the first and second points as stated, and which will not stipulate to concede to this Government the precedence in the transmission of its official messages and will not enter into a satisfactory arrangement with regard to its charges.

Among the pressing and important subjects to which, in my opinion, the attention of Congress should be directed are those relating to fraudulent naturalization and expatriation.

The United States, with great liberality, offers its citizenship to all who in good faith comply with the requirements of law. These requirements are as simple and upon as favorable terms to the emigrant as the high privilege to which he is admitted can or should permit. I do not propose any additional requirements to those which the law now demands; but the very simplicity and the want of unnecessary formality in our law have made fraudulent naturalization not infrequent, to the discredit and injury of all honest citizens, whether native or naturalized. Cases of this character are continually being brought to the notice of the Government by our representatives abroad, and also those of persons resident in other countries, most frequently those who, if they have remained in this country long enough to entitle them to become naturalized, have generally not much overpassed that period, and have returned to the country of their origin, where they reside, avoiding all duties to the United States by their absence, and claiming to be exempt from all duties to the country of their nativity and of their residence by reason of their alleged naturalization. It is due to this Government itself and to the great mass of the naturalized citizens who entirely, both in name and in fact, become citizens of the United States that the high privilege of citizenship of the United States should not be held by fraud or in derogation of the laws and of the good name of every honest citizen. On many occasions it has been brought to the knowledge of the Government that certificates of naturalization are held and protection or interference claimed by parties who admit that not only they were not within the United States at the time of the pretended naturalization, but that they have never resided in the United States; in others the certificate and record of the court show on their face that the person claiming to be naturalized had not resided the required time in the United States; in others it is admitted upon examination that the requirements of law have not been complied with; in some cases, even, such certificates have been matter of purchase. These are not isolated cases, arising at rare intervals, but of common occurrence, and which are reported from all quarters of the globe. Such occurrences can not, and do not, fail to reflect upon the Government and injure all honest citizens. Such a fraud being discovered, however, there is no practicable means within the control of the Government by which the record of naturalization can be vacated; and should the certificate be taken up, as it usually is, by the diplomatic and consular representatives of the Government to whom it may have been presented, there is nothing to prevent the person claiming to have been naturalized from obtaining a new certificate from the court in place of that which has been taken from him.

The evil has become so great and of such frequent occurrence that I can not too earnestly recommend that some effective measures be adopted to provide a proper remedy and means for the vacating of any record thus fraudulently made, and of punishing the guilty parties to the transaction.

In this connection I refer also to the question of expatriation and the election of nationality.

The United States was foremost in upholding the right of expatriation, and was principally instrumental in overthrowing the doctrine of perpetual allegiance. Congress has declared the right of expatriation to be a natural and inherent right of all people; but while many other nations have enacted laws providing what formalities shall be necessary to work a change of allegiance, the United States has enacted no provisions of law and has in no respect marked out how and when expatriation may be accomplished by its citizens. Instances are brought to the attention of the Government where citizens of the United States, either naturalized or native born, have formally become citizens or subjects of foreign powers, but who, nevertheless, in the absence of any provisions of legislation on this question, when involved in difficulties or when it seems to be their interest, claim to be citizens of the United States and demand the intervention of a Government which they have long since abandoned and to which for years they have rendered no service nor held themselves in any way amenable.

In other cases naturalized citizens, immediately after naturalization, have returned to their native country; have become engaged in business; have accepted offices or pursuits inconsistent with American citizenship, and evidence no intent to return to the United States until called upon to discharge some duty to the country where they are residing, when at once they assert their citizenship and call upon the representatives of the Government to aid them in their unjust pretensions. It is but justice to all *bona fide* citizens that no doubt should exist on such questions, and that Congress should determine by enactment of law how expatriation may be accomplished and change of citizenship be established.

I also invite your attention to the necessity of regulating by law the status of American women who may marry foreigners, and of defining more fully that of children born in a foreign country of American parents who may reside abroad; and also of some further provision regulating or giving legal effect to marriages of American citizens contracted in foreign countries. The correspondence submitted herewith shows a few of the constantly occurring questions on these points presented to the consideration of the Government. There are few subjects to engage the attention of Congress on which more delicate relations or more important interests are dependent.

In the month of July last the building erected for the Department of State was taken possession of and occupied by that Department. I am happy to announce that the archives and valuable papers of the Government in the custody of that Department are now safely deposited and properly cared for.

The report of the Secretary of the Treasury shows the receipts from customs for the fiscal year ending June 30, 1874, to have been $163,103,833.69, and for the fiscal year ending June 30, 1875, to have been $157,167,722.35, a decrease for the last fiscal year of $5,936,111.34. Receipts from internal revenue for the year ending the 30th of June, 1874, were $102,409,784.90, and for the year ending June 30, 1875, $110,007,493.58; increase, $7,597,708.68.

The report also shows a complete history of the workings of the Department for the last year, and contains recommendations for reforms and for legislation which I concur in, but can not comment on so fully as I should like to do if space would permit, but will confine myself to a few suggestions which I look upon as vital to the best interests of the whole people—coming within the purview of "Treasury;" I mean specie resumption. Too much stress can not be laid upon this question, and I hope Congress may be induced, at the earliest day practicable, to insure the consummation of the act of the last Congress, at its last session, to bring about specie resumption "on and after the 1st of January, 1879," at furthest. It would be a great blessing if this could be consummated even at an earlier day.

Nothing seems to me more certain than that a full, healthy, and permanent reaction can not take place in favor of the industries and financial welfare of the country until we return to a measure of values recognized throughout the civilized world. While we use a currency not equivalent to this standard the world's recognized standard, specie, becomes a commodity like the products of the soil, the surplus seeking a market wherever there is a demand for it.

Under our present system we should want none, nor would we have any, were it not that customs dues must be paid in coin and because of the pledge to pay interest on the public debt in coin. The yield of precious metals would flow out for the purchase of foreign productions and leave the United States "hewers of wood and drawers of water," because of wiser legislation on the subject of finance by the nations with whom we have dealings. I am not prepared to say that I can suggest the best legislation to secure the end most heartily recommended. It will be a source of great gratification to me to be able to approve any measure of Congress looking effectively toward securing "resumption."

Unlimited inflation would probably bring about specie payments more speedily than any legislation looking to redemption of the legal-tenders in coin; but it would be at the expense of honor. The legal-tenders would have no value beyond settling present liabilities, or, properly speaking, repudiating them. They would buy nothing after debts were all settled.

There are a few measures which seem to me important in this connection and which I commend to your earnest consideration:

A repeal of so much of the legal-tender act as makes these notes receivable for debts contracted after a date to be fixed in the act itself, say not later than the 1st of January, 1877. We should then have quotations at real values, not fictitious ones. Gold would no longer be at a premium, but currency at a discount. A healthy reaction would set in at once, and with it a desire to make the currency equal to what it purports to be. The merchants, manufacturers, and tradesmen of every calling could do business on a fair margin of profit, the money to be received having an unvarying value. Laborers and all classes who work for stipulated pay or salary would receive more for their income, because extra profits would no longer be charged by the capitalists to compensate for the risk of a downward fluctuation in the value of the currency.

Second. That the Secretary of the Treasury be authorized to redeem, say, not to exceed $2,000,000 monthly of legal-tender notes, by issuing in their stead a long bond, bearing interest at the rate of 3.65 per cent per annum, of denominations ranging from $50 up to $1,000 each. This would in time reduce the legal-tender notes to a volume that could be kept afloat without demanding redemption in large sums suddenly.

Third. That additional power be given to the Secretary of the Treasury to accumulate gold for final redemption, either by increasing revenue, curtailing expenses, or both (it is preferable to do both); and I recommend that reduction of expenditures be made wherever it can be done without impairing Government obligations or crippling the due execution thereof. One measure for increasing the revenue—and the only one I think of—is the restoration of the duty on tea and coffee. These duties would add probably $18,000,000 to the present amount received from imports, and would in no way increase the prices paid for those articles by the consumers.

These articles are the products of countries collecting revenue from exports, and as we, the largest consumers, reduce the duties they proportionately increase them. With this addition to the revenue, many duties now collected, and which give but an insignificant return for the cost of collection, might be remitted, and to the direct advantage of consumers at home.

I would mention those articles which enter into manufactures of all sorts. All duty paid upon such articles goes directly to the cost of the article when manufactured here, and must be paid for by the consumers. These duties not only come from the consumers at home, but act as a protection to foreign manufacturers of the same completed articles in our own and distant markets.

I will suggest or mention another subject bearing upon the problem of "how to enable the Secretary of the Treasury to accumulate balances." It is to devise some better method of verifying claims against the Government than at present exists through the Court of Claims, especially those claims growing out of the late war. Nothing is more certain than that a very large percentage of the amounts passed and paid are either wholly fraudulent or are far in excess of the real losses sustained. The large amount of losses proven—on good testimony according to existing laws, by affidavits of fictitious or unscrupulous persons—to have been sustained on small farms and plantations are not only far beyond the possible yield of those places for any one year, but, as everyone knows who has had experience in tilling the soil and who has visited the scenes of these spoliations, are in many instances more than the individual claimants were ever worth, including their personal and real estate.

The report of the Attorney-General, which will be submitted to Congress at an early day, will contain a detailed history of awards made and of claims pending of the class here referred to.

The report of the Secretary of War, accompanying this message, gives a detailed account of Army operations for the year just passed, expenses for maintenance, etc., with recommendations for legislation to which I respectfully invite your attention. To some of these I invite special attention:

First. The necessity of making $300,000 of the appropriation for the Subsistence Department available before the beginning of the next fiscal year. Without this provision troops at points distant from supply production must either go without food or existing laws must be violated. It is not attended with cost to the Treasury.

Second. His recommendation for the enactment of a system of annuities for the families of deceased officers by voluntary deductions from the monthly pay of officers. This again is not attended with burden upon the Treasury, and would for the future relieve much distress which every old army officer has witnessed in the past—of officers dying suddenly or being killed, leaving families without even the means of reaching their friends, if fortunate enough to have friends to aid them.

Third. The repeal of the law abolishing mileage, and a return to the old system.

Fourth. The trial with torpedoes under the Corps of Engineers, and appropriation for the same. Should war ever occur between the United States and any maritime power, torpedoes will be among if not the most effective and cheapest auxiliary for the defense of harbors, and also in aggressive operations, that we can have. Hence it is advisable to learn by experiment their best construction and application, as well as effect.

Fifth. A permanent organization for the Signal-Service Corps. This service has now become a necessity of peace as well as war, under the advancement made by the present able management.

Sixth. A renewal of the appropriation for compiling the official records of the war, etc.

The condition of our Navy at this time is a subject of satisfaction. It does not contain, it is true, any of the powerful cruising ironclads which make so much of the maritime strength of some other nations, but neither our continental situation nor our foreign policy requires that we should have a large number of ships of this character, while this situation and the nature of our ports combine to make those of other nations little dangerous to us under any circumstances.

Our Navy does contain, however, a considerable number of ironclads of the monitor class, which, though not properly cruisers, are powerful and effective for harbor defense and for operations near our own shores. Of these all the single-turreted ones, fifteen in number, have been substantially rebuilt, their rotten wooden beams replaced with iron, their hulls strengthened, and their engines and machinery thoroughly repaired, so that they are now in the most efficient condition and ready for sea as soon as they can be manned and put in commission.

The five double-turreted ironclads belonging to our Navy, by far the most powerful of our ships for fighting purposes, are also in hand undergoing complete repairs, and could be ready for sea in periods varying from four to six months. With these completed according to the present design and our two iron torpedo boats now ready, our ironclad fleet will be, for the purposes of defense at home, equal to any force that can readily be brought against it.

Of our wooden navy also cruisers of various sizes, to the number of about forty, including those now in commission, are in the Atlantic, and could be ready for duty as fast as men could be enlisted for those not already in commission. Of these, one-third are in effect new ships, and though some of the remainder need considerable repairs to their boilers and machinery, they all are, or can readily be made, effective.

This constitutes a fleet of more than fifty war ships, of which fifteen are ironclad, now in hand on the Atlantic coast. The Navy has been brought to this condition by a judicious and practical application of what could be spared from the current appropriations of the last few years and from that made to meet the possible emergency of two years ago. It has been done quietly, without proclamation or display, and though it has necessarily straitened the Department in its ordinary expenditure, and, as far as the ironclads are concerned, has added nothing to the cruising force of the Navy, yet the result is not the less satisfactory because it is to be found in a great increase of real rather than apparent force. The expenses incurred in the maintenance of an effective naval force in all its branches are necessarily large, but such force is essential to our position, relations, and character, and affects seriously the weight of our principles and policy throughout the whole sphere of national responsibilities.

The estimates for the regular support of this branch of the service for the next year amount to a little less in the aggregate than those made for the current year; but some additional appropriations are asked for objects not included in the ordinary maintenance of the Navy, but believed to be of pressing importance at this time. It would, in my opinion, be wise at once to afford sufficient means for the immediate completion of the five double-turreted monitors now undergoing repairs, which must otherwise advance slowly, and only as money can be spared from current expenses. Supplemented by these, our Navy, armed with the destructive weapons of modern warfare, manned by our seamen, and in charge of our instructed officers, will present a force powerful for the home purposes of a responsible though peaceful nation.

The report of the Postmaster-General herewith transmitted gives a full history of the workings of the Department for the year just past. It will be observed that the deficiency to be supplied from the General Treasury is increased over the amount required for the preceding year. In a country so vast in area as the United States, with large portions sparsely settled, it must be expected that this important service will be more or less a burden upon the Treasury for many years to come. But there is no branch of the public service which interests the whole people more than that of cheap and rapid transmission of the mails to every inhabited part of our territory. Next to the free school, the post-office is the great educator of the people, and it may well receive the support of the General Government.

The subsidy of $150,000 per annum given to vessels of the United States for carrying the mails between New York and Rio de Janeiro having ceased on the 30th day of September last, we are without direct mail facilities with the South American States. This is greatly to be regretted, and I do not hesitate to recommend the authorization of a renewal of that contract, and also that the service may be increased from monthly to semimonthly trips. The commercial advantages to be gained by a direct line of American steamers to the South American States will far outweigh the expense of the service.

By act of Congress approved March 3, 1875, almost all matter, whether properly mail matter or not, may be sent any distance through the mails, in packages not exceeding 4 pounds in weight, for the sum of 16 cents per pound. So far as the transmission of real mail matter goes, this would seem entirely proper; but I suggest that the law be so amended as to exclude from the mails merchandise of all descriptions, and limit this transportation to articles enumerated, and which may be classed as mail matter proper.

The discovery of gold in the Black Hills, a portion of the Sioux Reservation, has had the effect to induce a large emigration of miners to that point. Thus far the effort to protect the treaty rights of the Indians to that section has been successful, but the next year will certainly witness a large increase of such emigration. The negotiations for the relinquishment of the gold fields having failed, it will be necessary for Congress to adopt some measures to relieve the embarrassment growing out of the causes named. The Secretary of the Interior suggests that the supplies now appropriated for the sustenance of that people, being no longer obligatory under the treaty of 1868, but simply a gratuity, may be issued or withheld at his discretion.

The condition of the Indian Territory, to which I have referred in several of my former annual messages, remains practically unchanged. The Secretary of the Interior has taken measures to obtain a full report of the condition of that Territory, and will make it the subject of a special report at an early day. It may then be necessary to make some further recommendation in regard to legislation for the government of that Territory.

The steady growth and increase of the business of the Patent Office indicates in some measure the progress of the industrial activity of the country. The receipts of the office are in excess of its expenditures, and the office generally is in a prosperous and satisfactory condition.

The report of the General Land Office shows that there were 2,459,601 acres less disposed of during this than during the last year. More than one-half of this decrease was in lands disposed of under the homestead and timber-culture laws. The cause of this decrease is supposed to be found in the grasshopper scourge and the droughts which prevailed so extensively in some of the frontier States and Territories during that time as to discourage and deter entries by actual settlers. The cash receipts were less by $690,322.23 than during the preceding year.

The entire surveyed area of the public domain is 680,253,094 acres, of which 26,077,531 acres were surveyed during the past year, leaving 1,154,471,762 acres still unsurveyed.

The report of the Commissioner presents many interesting suggestions in regard to the management and disposition of the public domain and the modification of existing laws, the apparent importance of which should insure for them the careful consideration of Congress.

The number of pensioners still continues to decrease, the highest number having been reached during the year ending June 30, 1873. During the last year 11,557 names were added to the rolls, and 12,977 were dropped therefrom, showing a net decrease of 1,420. But while the number of pensioners has decreased, the annual amount due on the pension rolls has increased $44,733.13. This is caused by the greatly increased average rate of pensions, which, by the liberal legislation of Congress, has increased from $90.26 in 1872 to $103.91 in 1875 to each invalid pensioner, an increase in the average rate of 15 per cent in the three years. During the year ending June 30, 1875, there was paid on account of pensions, including the expenses of disbursement, $29,683,116, being $910,632 less than was paid the preceding year. This reduction in amount of expenditures was produced by the decrease in the amount of arrearages due on allowed claims and on pensions the rate of which was increased by the legislation of the preceding session of Congress. At the close of the last fiscal year there were on the pension rolls 234,821 persons, of whom 210,363 were army pensioners, 105,478 being invalids and 104,885 widows and dependent relatives; 3,420 were navy pensioners, of whom 1,636 were invalids and 1,784 widows and dependent relatives; 21,038 were pensioners of the War of 1812, 15,875 of whom were survivors and 5,163 were widows.

It is estimated that $29,535,000 will be required for the payment of pensions for the next fiscal year, an amount $965,000 less than the estimate for the present year.

The geological explorations have been prosecuted with energy during the year, covering an area of about 40,000 square miles in the Territories of Colorado, Utah, and New Mexico, developing the agricultural and mineral resources and furnishing interesting scientific and topographical details of that region.

The method for the treatment of the Indians adopted at the beginning of my first term has been steadily pursued, and with satisfactory and encouraging results. It has been productive of evident improvement in the condition of that race, and will be continued, with only such modifications as further experience may indicate to be necessary.

The board heretofore appointed to take charge of the articles and materials pertaining to the War, the Navy, the Treasury, the Interior, and the Post-Office Departments, and the Department of Agriculture, the Smithsonian Institution, and the Commission of Food Fishes, to be contributed, under the legislation of last session, to the international exhibition to be held at Philadelphia during the centennial year 1876, has been diligent in the discharge of the duties which have devolved upon it; and the preparations so far made with the means at command give assurance that the governmental contribution will be made one of the marked characteristics of the exhibition. The board has observed commendable economy in the matter of the erection of a building for the governmental exhibit, the expense of which it is estimated will not exceed, say, $80,000. This amount has been withdrawn, under the law, from the appropriations of five of the principal Departments, which leaves some of those Departments without sufficient means to render their respective practical exhibits complete and satisfactory. The exhibition being an international one, and the Government being a voluntary contributor, it is my opinion that its contribution should be of a character, in quality and extent, to sustain the dignity and credit of so distinguished a contributor. The advantages to the country of a creditable display are, in an international point of view, of the first importance, while an indifferent or uncreditable participation by the Government would be humiliating to the patriotic feelings of our people themselves. I commend the estimates of the board for the necessary additional appropriations to the favorable consideration of Congress.

The powers of Europe almost without exception, many of the South American States, and even the more distant Eastern powers have manifested their friendly sentiments toward the United States and the interest of the world in our progress by taking steps to join with us in celebrating the centennial of the nation, and I strongly recommend that a more national importance be given to this exhibition by such legislation and by such appropriation as will insure its success. Its value in bringing to our shores innumerable useful works of art and skill, the commingling of the citizens of foreign countries and our own, and the interchange of ideas and manufactures will far exceed any pecuniary outlay we may make.

I transmit herewith the report of the Commissioner of Agriculture, together with the reports of the Commissioners, the board of audit, and the board of health of the District of Columbia, to all of which I invite your attention.

The Bureau of Agriculture has accomplished much in disseminating useful knowledge to the agriculturist, and also in introducing new and useful productions adapted to our soil and climate, and is worthy of the continued encouragement of the Government.

The report of the Commissioner of Education, which accompanies the report of the Secretary of the Interior, shows a gratifying progress in educational matters.

In nearly every annual message that I have had the honor of transmitting to Congress I have called attention to the anomalous, not to say scandalous, condition of affairs existing in the Territory of Utah, and have asked for definite legislation to correct it. That polygamy should exist in a free, enlightened, and Christian country, without the power to punish so flagrant a crime against decency and morality, seems preposterous. True, there is no law to sustain this unnatural vice; but what is needed is a law to punish it as a crime, and at the same time to fix the status of the innocent children, the offspring of this system, and of the possibly innocent plural wives. But as an institution polygamy should be banished from the land.

While this is being done I invite the attention of Congress to another, though perhaps no less an evil—the importation of Chinese women, but few of whom are brought to our shores to pursue honorable or useful occupations.

Observations while visiting the Territories of Wyoming, Utah, and Colorado during the past autumn convinced me that existing laws regulating the disposition of public lands, timber, etc., and probably the mining laws themselves, are very defective and should be carefully amended, and at an early day. Territory where cultivation of the soil can only be followed by irrigation, and where irrigation is not practicable the lands can only be used as pasturage, and this only where stock can reach water (to quench its thirst), can not be governed by the same laws as to entries as lands every acre of which is an independent estate by itself.

Land must be held in larger quantities to justify the expense of conducting water upon it to make it fruitful, or to justify utilizing it as pasturage. The timber in most of the Territories is principally confined to the mountain regions, which are held for entry in small quantities only, and as mineral lands. The timber is the property of the United States, for the disposal of which there is now no adequate law. The settler must become a consumer of this timber, whether he lives upon the plain or engages in working the mines. Hence every man becomes either a trespasser himself or knowingly a patron of trespassers.

My opportunities for observation were not sufficient to justify me in recommending specific legislation on these subjects, but I do recommend that a joint committee of the two Houses of Congress, sufficiently large to be divided into subcommittees, be organized to visit all the mining States and Territories during the coming summer, and that the committee shall report to Congress at the next session such laws or amendments to laws as it may deem necessary to secure the best interests of the Government and the people of these Territories, who are doing so much for their development.

I am sure the citizens occupying the territory described do not wish to be trespassers, nor will they be if legal ways are provided for them to become owners of these actual necessities of their position.

As this will be the last annual message which I shall have the honor of transmitting to Congress before my successor is chosen, I will repeat or recapitulate the questions which I deem of vital importance which may be legislated upon and settled at this session:

First. That the States shall be required to afford the opportunity of a good common-school education to every child within their limits.

Second. No sectarian tenets shall ever be taught in any school supported in whole or in part by the State, nation, or by the proceeds of any tax levied upon any community. Make education compulsory so far as to deprive all persons who can not read and write from becoming voters after the year 1890, disfranchising none, however, on grounds of illiteracy who may be voters at the time this amendment takes effect.

Third. Declare church and state forever separate and distinct, but each free within their proper spheres; and that all church property shall bear its own proportion of taxation.

Fourth. Drive out licensed immorality, such as polygamy and the importation of women for illegitimate purposes. To recur again to the centennial year, it would seem as though now, as we are about to begin the second century of our national existence, would be a most fitting time for these reforms.

Fifth. Enact such laws as will insure a speedy return to a sound currency, such as will command the respect of the world.

Believing that these views will commend themselves to the great majority of the right-thinking and patriotic citizens of the United States, I submit the rest to Congress.

U. S. GRANT.

SPECIAL MESSAGES.

EXECUTIVE MANSION, *January 6, 1876.*

To the Senate of the United States:

In reply to the resolution of the Senate of the 27th of February last, requesting the President to institute inquiries as to the proper place for the establishment of a branch mint at some point in the Western States or in the Mississippi Valley, I transmit herewith the report, and accompanying papers, of the Director of the Mint, who was charged with the duty of making the inquiries called for by said resolution.

U. S. GRANT.

WASHINGTON, *January 21, 1876.*

To the House of Representatives:

I transmit to the House of Representatives, in answer to their resolution of the 17th instant, a report from the Secretary of State, with accompanying documents.*

U. S. GRANT.

WASHINGTON, *January 25, 1876.*

To the House of Representatives:

In answer to the resolution of the House of Representatives of the 22d of January instant, I herewith transmit a report † from the Secretary of State.

U. S. GRANT.

EXECUTIVE MANSION, *February 3, 1876.*

To the Senate of the United States:

In answer to the resolution of the Senate of the 19th of January instant, requesting the examination, with a view to ascertaining their suitableness for the purposes of a mint, of the building and grounds situated in Columbus, Ohio, known as the "Capital University," and proposed to be donated to the United States by F. Michel, of said city, I have the honor to transmit herewith the report of the Director of the Mint, accompanied by a diagram of the building and lot.

U. S. GRANT.

EXECUTIVE MANSION, *February, 1876.*

To the House of Representatives:

In answer to the resolution of the 6th of January of the House of Representatives, requesting to be informed "of the number of Indian agents, regular and special, clerks, and other employees in the Indian service, except those on duty in the office of the Secretary of the Interior, and the amounts paid to each as salaries and expenses," I have the honor to transmit herewith a copy of a report, dated the 31st ultimo, from the Commissioner of Indian Affairs, together with the statements therein referred to.

U. S. GRANT.

WASHINGTON, *February 8, 1876.*

To the Senate of the United States:

I transmit to the Senate, in answer to the resolution ‡ of that body of the 18th ultimo, a report from the Secretary of State, with accompanying papers.

U. S. GRANT.

---

* Correspondence with Spain relative to Cuba.

† Stating that no correspondence had taken place during the year 1875 with any European Government other than Spain relative to Cuba.

‡ Calling for correspondence with any government or its representatives relative to the Centennial celebration to be held in Philadelphia.

EXECUTIVE MANSION, *February 28, 1876.*

To the Senate and House of Representatives:

I lay before you herewith a communication from the Secretary of the Interior, of date 26th instant, upon the subject of the deficiency of supplies at the Red Cloud Agency, Nebr.

This matter has already been presented to you by the Secretary, and the House of Representatives has requested an investigation by a military officer of the cause of this deficiency. I have taken proper steps to comply with this request of the House, but the present need of supplies is not disputed. A prolonged delay in furnishing provisions to these Indians will cause great distress and be likely to provoke raids on white settlements, and possibly lead to general outbreak and hostilities.

I therefore deem it proper to invite your attention to the importance of early and favorable action upon the estimates heretofore and herewith submitted.

These estimates and the views of the Secretary in regard to this emergency meet with my full concurrence, and I recommend that the appropriations asked for be made at the earliest day practicable.

U. S. GRANT.

WASHINGTON, *March 3, 1876.*

To the House of Representatives:

In answer to the resolution of the House of Representatives of the 21st ultimo, I transmit herewith a report from the Secretary of State, and accompanying papers,* together with a report from the Secretary of the Treasury.

U. S. GRANT.

EXECUTIVE MANSION, *March 6, 1876.*

To the Senate of the United States:

In answer to the resolution of the Senate of the 7th of January last, requesting a "statement of the number of military arrests made in the Territory of Alaska during the past five years, together with the date of each, the charge on which made in each case, the names of the persons arrested, and the period and character of the imprisonment of each in that Territory before trial or surrender to the civil authorities for trial," I have the honor to submit herewith the report of the Acting Secretary of War.

U. S. GRANT.

WASHINGTON, *March 10, 1876.*

To the Senate of the United States:

I transmit to the Senate, for consideration with a view to ratification, a metric convention between the United States and certain foreign governments, signed at Paris on the 20th of May, 1875, by Mr. E. B. Washburne, the minister of the United States at that capital, acting on behalf of this Government, and by the representatives acting on behalf of the foreign powers therein mentioned.

---

*Correspondence relative to the mode of transferring to the United States the Alabama indemnity of $15,500,000, and correspondence and papers showing the payment of the indemnity, the form of receipt given therefor, and the disposition of the indemnity.

A copy of certain papers on the subject, mentioned in the subjoined list, is also transmitted for the information of the Senate.

U. S. GRANT.

WASHINGTON, *March 22, 1876.*

To the House of Representatives:

In answer to a resolution* of the House of Representatives of the 23d of February ultimo, I transmit herewith a report of the Secretary of State and the papers which accompany it.

U. S. GRANT.

EXECUTIVE MANSION, *March 23, 1876.*

To the House of Representatives:

In answer to the resolution of the House of Representatives of the 3d of February last, requesting the President "to require a competent, experienced military officer of the United States to execute the duties of an Indian agent so far as to repair to the Red Cloud Agency, and, in his discretion, other Sioux agencies, with instructions to inquire into the causes of" the exhaustion of the appropriation for the subsistence and support of the Sioux Indians for the present fiscal year; "as also his opinion as to whether any further and what amount should be appropriated for the subsistence and support of said Indians for the remainder of the current fiscal year," I have the honor to transmit herewith the report of Lieutenant-Colonel Merritt, of the Ninth Cavalry, who was charged by the Secretary of War with the duty of making the inquiries called for by said resolution.

U. S. GRANT.

EXECUTIVE MANSION, *March 24, 1876.*

To the Senate of the United States:

In further answer to the resolution of the Senate of the 7th of January last, requesting to be furnished "with a statement of the number of military arrests made in the Territory of Alaska during the past five years, together with the date of each, the charge on which made in each case, the names of the persons arrested, and the period and character of the imprisonment of each in that Territory before trial or surrender to the civil authorities for trial," I have the honor to transmit herewith the report of the Secretary of War.

U. S. GRANT.

---

*Calling for information or facts relative to the charges against George F. Seward, United States minister to China.

EXECUTIVE MANSION, *March 27, 1876.*

To the House of Representatives:

In further answer to the resolution of the House of the 6th of January last, with regard to certain expenditures and employees in the Indian service, except those on duty in the office of the Secretary of the Interior, etc., I have the honor to transmit to you a supplementary report received from the Secretary of the Interior, respecting and explaining a clerical error to be found in that portion of the statement of the Interior Department which relates to the expenditures of the Board of Indian Commissioners, and to ask its consideration in connection with the papers which accompanied my message of the 3d of February last.

U. S. GRANT.

EXECUTIVE MANSION, *March 27, 1876.*

To the House of Representatives:

I have the honor to transmit herewith a communication received from the chairman of the board on behalf of the United States Executive Departments, containing in detail the operations of the board and setting forth the present embarrassments under which it is now laboring in the endeavor to conduct the participation of the Government in the Centennial Exhibition, and showing very clearly the necessity of additional funds to carry out the undertaking in a creditable manner.

U. S. GRANT.

EXECUTIVE MANSION, *April 3, 1876.*

To the House of Representatives:

I have the honor to transmit herewith, for your information, a communication from the Secretary of the Interior of this date, upon the urgent necessities of the Pawnee Indians.

This tribe has recently been removed to the Indian Territory, and is without means of subsistence except as supplied by the Government. Its members have evinced a disposition to become self-supporting, and it is believed that only temporary aid will be required by them. The sums advanced by the United States for this purpose it is expected will be refunded from the proceeds of the sale of the Pawnee Reservation in Nebraska.

The present destitute condition of these Indians would seem to call for immediate relief, and I recommend the subject to your early and favorable consideration.

U. S. GRANT.

EXECUTIVE MANSION, *April 6, 1876.*

To the Senate of the United States:

In further answer to the resolution of the Senate of the 7th of January last (partial answers having been transmitted on the 6th and 24th ultimo), calling for a statement of "the number of military arrests in the Territory of Alaska during the past five years," etc., I have the honor to submit herewith a report, with accompanying papers, received from the Secretary of War.

U. S. GRANT.

EXECUTIVE MANSION, *April 19, 1876.*

To the Senate and House of Representatives:

I have the honor to transmit herewith to Congress the final report of the board of audit constituted by section 6 of the "act for the government of the District of Columbia, and for other purposes," approved June 20, 1874, and abolished by the joint resolution approved March 14, 1876, and to call your attention to the statements therein presented.

U. S. GRANT.

WASHINGTON, *May 1, 1876.*

To the Senate:

I transmit herewith, for the information of Congress, a report of the president of the Centennial Commission upon the ceremonies to be observed at the opening of the exhibition on the 10th instant. It will be observed that an invitation is therein extended to Senators and Representatives to be present on that occasion.

U. S. GRANT.

[The same message was sent to the House of Representatives.]

WASHINGTON, *May 1, 1876.*

To the Senate:

I transmit herewith, for the consideration of the Senate with a view to its ratification by that body, a treaty between the United States and Mexico, concluded on the 29th ultimo.

U. S. GRANT.

WASHINGTON, *May 1, 1876.*

To the House of Representatives:

I transmit herewith, in answer to the resolution of the House of Representatives of 15th March last, a report* from the Secretary of State and accompanying papers.

U. S. GRANT.

WASHINGTON, *May 4, 1876.*

To the House of Representatives:

I have given very attentive consideration to a resolution of the House of Representatives passed on the 3d of April, requesting the President of the United States to inform the House whether any executive offices acts, or duties, and, if any, what, have within a specified period been performed at a distance from the seat of Government established by law, etc.

---

*Explanatory of the object, intent, and character of the power conferred upon A. B. Steinberger, special agent to the Samoan or Navigators Islands, and transmitting correspondence relative to the object, operation, and result of his agency.

I have never hesitated and shall not hesitate to communicate to Congress, and to either branch thereof, all the information which the Constitution makes it the duty of the President to give, or which my judgment may suggest to me or a request from either House may indicate to me will be useful in the discharge of the appropriate duties confided to them. I fail, however, to find in the Constitution of the United States the authority given to the House of Representatives (one branch of the Congress, in which is vested the legislative power of the Government) to require of the Executive, an independent branch of the Government, coordinate with the Senate and House of Representatives, an account of his discharge of his appropriate and purely executive offices, acts, and duties, either as to when, where, or how performed.

What the House of Representatives may require as a right in its demand upon the Executive for information is limited to what is necessary for the proper discharge of its powers of legislation or of impeachment.

The inquiry in the resolution of the House as to where executive acts have within the last seven years been performed and at what distance from any particular spot or for how long a period at any one time, etc., does not necessarily belong to the province of legislation. It does not profess to be asked for that object.

If this information be sought through an inquiry of the President as to his executive acts in view or in aid of the power of impeachment vested in the House, it is asked in derogation of an inherent natural right, recognized in this country by a constitutional guaranty which protects every citizen, the President as well as the humblest in the land, from being made a witness against himself.

During the time that I have had the honor to occupy the position of President of this Government it has been, and while I continue to occupy that position it will continue to be, my earnest endeavor to recognize and to respect the several trusts and duties and powers of the coordinate branches of the Government, not encroaching upon them nor allowing encroachments upon the proper powers of the office which the people of the United States have confided to me, but aiming to preserve in their proper relations the several powers and functions of each of the coordinate branches of the Government, agreeably to the Constitution and in accordance with the solemn oath which I have taken to "preserve, protect, and defend" that instrument.

In maintenance of the rights secured by the Constitution to the executive branch of the Government I am compelled to decline any specific or detailed answer to the request of the House for information as to "any executive offices, acts, or duties, and, if any, what, have been performed at a distance from the seat of Government established by law, and for how long a period at any one time and in what part of the United States."

If, however, the House of Representatives desires to know whether during the period of upward of seven years during which I have held the office of President of the United States I have been absent from the seat of Government, and whether during that period I have performed or have neglected to perform the duties of my office, I freely inform the House that from the time of my entrance upon my office I have been in the habit, as were all of my predecessors (with the exception of one, who lived only one month after assuming the duties of his office, and one whose continued presence in Washington was necessary from the existence at the time of a powerful rebellion), of absenting myself at times from the seat of Government, and that during such absences I did not neglect or forego the obligations or the duties of my office, but continued to discharge all of the executive offices, acts, and duties which were required of me as the President of the United States. I am not aware that a failure occurred in any one instance of my exercising the functions and powers of my office in every case requiring their discharge, or of my exercising all necessary executive acts, in whatever part of the United States I may at the time have been. Fortunately, the rapidity of travel and of mail communication and the facility of almost instantaneous correspondence with the offices at the seat of Government, which the telegraph affords to the President in whatever section of the Union he may be, enable him in these days to maintain as constant and almost as quick intercourse with the Departments at Washington as may be maintained while he remains at the capital.

The necessity of the performance of executive acts by the President of the United States exists and is devolved upon him, wherever he may be within the United States, during his term of office by the Constitution of the United States.

His civil powers are no more limited or capable of limitation as to the place where they shall be exercised than are those which he might be required to discharge in his capacity of Commander in Chief of the Army and Navy, which latter powers it is evident he might be called upon to exercise, possibly, even without the limits of the United States. Had the efforts of those recently in rebellion against the Government been successful in driving a late President of the United States from Washington, it is manifest that he must have discharged his functions, both civil and military, elsewhere than in the place named by law as the seat of Government.

No act of Congress can limit, suspend, or confine this constitutional duty. I am not aware of the existence of any act of Congress which assumes thus to limit or restrict the exercise of the functions of the Executive. Were there such acts, I should nevertheless recognize the superior authority of the Constitution, and should exercise the powers required thereby of the President.

The act to which reference is made in the resolution of the House relates to the establishing of the seat of Government and the providing of suitable buildings and removal thereto of the offices attached to the Government, etc. It was not understood at its date and by General Washington to confine the President in the discharge of his duties and powers to actual presence at the seat of Government. On the 30th of March, 1791, shortly after the passage of the act referred to, General Washington issued an Executive proclamation having reference to the subject of this very act from Georgetown, a place remote from Philadelphia, which then was the seat of Government, where the act referred to directed that "all offices attached to the seat of Government" should for the time remain.

That none of his successors have entertained the idea that their executive offices could be performed only at the seat of Government is evidenced by the hundreds upon hundreds of such acts performed by my predecessors in unbroken line from Washington to Lincoln, a memorandum of the general nature and character of some of which acts is submitted herewith; and no question has ever been raised as to the validity of those acts or as to the right and propriety of the Executive to exercise the powers of his office in any part of the United States.

U. S. GRANT.

Memorandum of absences of the Presidents of the United States from the national capital during each of the several Administrations, and of public and executive acts performed during the time of such absences.

President Washington was frequently absent from the capital; he appears to have been thus absent at least one hundred and eighty-one days during his term.

During his several absences he discharged official and executive duties; among them—

In March, 1791, he issued a proclamation, dated at Georgetown, in reference to running the boundary for the territory of the permanent seat of the Government.

From Mount Vernon he signed an official letter to the Emperor of Morocco, and from the same place the commission of Oliver Wolcott as Comptroller of the Treasury and the proclamation respecting the whisky insurrection in Pennsylvania; also various sea letters, the proclamation of the treaty of 1795 between the United States and Spain, the Executive order of August 4, 1792, relative to the duties on distilled spirits, etc.

When at Germantown he signed the commission of John Breckenridge as attorney of the United States for Kentucky, and that of engineer of the United States Mint.

He proposed to have Mr. Yrujo officially presented, as envoy extraordinary and minister plenipotentiary from Spain, to him at Mount Vernon; but although Mr. Yrujo went there for the purpose, the ceremony of presentation was prevented by Mr. Yrujo's having accidentally left his credentials.

President John Adams was absent from the capital during his term of four years, on various occasions, three hundred and eighty-five days. He discharged official duties and performed the most solemn public acts at Quincy in the same manner as when at the seat of Government. In 1797 (August 25) he forwarded to the Secretary of State a number of passports which he had signed at Quincy. He issued at Quincy commissions to numerous officers of various grades, civil and military. On the 28th of September, 1797, he forwarded to the Secretary of State a commission for a justice of the Supreme Court, signed in blank at Quincy, instructing the Secretary to fill it with the name of John Marshall if he would accept, and, if not, Bushrod Washington. He issued a proclamation opening trade with certain ports of St. Domingo, and signed warrants for the execution of two soldiers and for a pardon.

President Jefferson was absent from the seat of Government during his two terms of office seven hundred and ninety-six days, more than one-fourth of the whole official period. During his absence he signed and issued from Monticello seventy-five commissions, one letter to the Emperor of Russia, and nine letters of credence to diplomatic agents of the United States accredited to other governments.

President Madison was absent from the seat of Government during his two Presidential terms six hundred and thirty-seven days. He signed and issued from Montpelier during his absence from the capital seventy-one commissions, one proclamation, and nine letters of credence to ministers, accrediting them to foreign governments, and, as it appears, transacted generally all the necessary routine business incident to the Executive office.

President Monroe was absent from the capital during his Presidential service of eight years seven hundred and eight days, independent of the year 1824 and the two months of 1825, for which period no data are found. He transacted public business wherever he happened to be, sometimes at his farm in Virginia, again at his summer resort on the Chesapeake, and sometimes while traveling. He signed and issued from these several places, away from the capital, numerous commissions to civil officers of the Government, exequaturs to foreign consuls, letters of credence, two letters to sovereigns, and thirty-seven pardons.

President John Q. Adams was absent from the capital during his Presidential term of four years two hundred and twenty-two days. During such absence he performed official and public acts, signing and issuing commissions, exequaturs, pardons, proclamations, etc. Referring to his absence in August and September, 1827, Mr. Adams, in his memoirs, volume 8, page 75, says: "I left with him [the chief clerk] some blank signatures, to be used when necessary for proclamations, remission of penalties, and commissions of consuls, taking of him a receipt for the number and kind of blanks left with him, with directions to return to me when I came back all the signed blanks remaining unused and to keep and give me an account of all those that shall have been disposed of. This has been my constant practice with respect to signed blanks of this description. I do the same with regard to patents and land grants."

President Jackson was absent from the capital during his Presidential service of eight years five hundred and two days. He also performed executive duties and public acts while absent. He appears to have signed and issued while absent from the capital very many public papers, embracing commissions, letters of credence, exequaturs, pardons, and among them four Executive proclamations. On the 26th of June, 1833, he addressed a letter from Boston to Mr. Duane, Secretary of the Treasury, giving his views at large on the removal of the "deposits" from the United States Bank and placing them in the State banks, directing that the change, with all its arrangements, should be, if possible, completed by the 15th September following, and recommending that Amos Kendall should be appointed an agent of the Treasury Department to make the necessary arrangements with the State banks. Soon after, September 23, a paper signed by the President and purporting to have been read to the Cabinet was published in the newspapers of the day. Early in the next session of Congress a resolution passed the Senate inquiring of the President whether the paper was genuine or not and if it was published by his authority, and requesting that a copy be laid before that body. The President replied, avowing the genuineness of the paper and that it was published by his authority, but declined to furnish a copy to the Senate on the ground that it was purely executive business, and that the request of the Senate was an undue interference with the independence of the Executive, a coordinate branch of the Government. In January, 1837 (26th), he refused the privilege to a committee under a resolution of the House of Representatives to make a general investigation of the Executive Departments without specific charges, on the ground, among others, that the use of the books, papers, etc., of the Departments for such purpose would interfere with the discharge of the public duties devolving upon the heads of the different Departments, and necessarily disarrange and retard the public business.

President Van Buren was absent from the capital during his Presidential term one hundred and thirty-one days. He discharged executive duties and performed official and public acts during these absences. Among the papers signed by President Van Buren during his absence from the seat of Government are commissions (one of these being for a United States judge of a district court), pardons, etc.

President Tyler was absent from the capital during his Presidential term one hundred and sixty-three days, and performed public acts and duties during such absences, signing public papers and documents to the number of twenty-eight, in which were included commissions, exequaturs, letters of credence, pardons, and one proclamation making public the treaty of 1842 between the United States and Ecuador.

President Polk was absent from the capital during his Presidential term thirty-seven days, and appears to have signed but two official public papers during such absence.

President Taylor was absent from the capital during the time he served as President thirty-one days, and while absent signed two commissions, three "full powers," two exequaturs, and the proclamation of August 11, 1849, relative to a threatened invasion of Cuba or some of the Provinces of Mexico.

President Fillmore was absent from the capital during the time he served as President sixty days. During such absence he signed pardons, commissions, exequaturs, etc.

President Pierce was absent from the capital in all during his Presidential term fifty-seven days. The several periods of absence which make up this aggregate were each brief, and it does not appear that during these absences the President signed any public official documents, except one pardon.

President Buchanan was absent from the capital during his Presidential term fifty-seven days, and the official papers which he is shown to have signed during such absence are three exequaturs and one letter of credence.

In addition to the public documents and papers executed by the several Presidents during their absences from the seat of Government, constant official correspondence was maintained by each with the heads of the different Executive Departments.

WASHINGTON, *May 15, 1876.*

To the House of Representatives:

In answer to the resolution of the House of Representatives of the 10th ultimo, I transmit herewith a report and accompanying papers upon the subject* from the Secretary of State.

U. S. GRANT.

WASHINGTON, *May 16, 1876.*

To the House of Representatives:

In answer to a resolution of the House of Representatives of the 5th instant, requesting information as to payments by the Government of

---

*Course pursued to enforce the provisions of the convention with Venezuela of April 25, 1866, and the payment of adjudicated claims under act approved February 25, 1873.

Venezuela on account of claims of citizens of the United States under the convention of the 25th of April, 1866, I transmit a report from the Secretary of State, to whom the resolution was referred.

U. S. GRANT.

WASHINGTON, *May 19, 1876.*

To the Senate:

I transmit herewith, in answer to a resolution of the Senate of the 27th March last, a report* from the Secretary of State and an accompanying paper.

U. S. GRANT.

WASHINGTON, *May 31, 1876.*

To the House of Representatives:

I transmit, in answer to a resolution of the House of Representatives of the 22d instant, a report of the Secretary of State, with its accompanying papers.†

U. S. GRANT.

EXECUTIVE MANSION, *June 7, 1876.*

To the Senate and House of Representatives:

I herewith transmit the report of the board appointed to test iron, steel, and other metals, in accordance with the provisions of section 4 of "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1876, and for other purposes," approved March 3, 1875.

This board is to determine by actual tests the strength and value of all metals, and to prepare tables which will exhibit their strength and value for all constructions.

The accompanying memorials and resolutions of scientific associations, colleges, and schools strongly advocate the continuation of this board, which is national in its character and general in its investigations.

The board asks for an appropriation of $50,000 for the ensuing year, and that any unexpended balances remaining on hand on the 30th of June, 1876, may be reappropriated.

This recommendation is submitted for favorable action, in the belief that the labors of the board will, in the benefits accruing to important industrial interests, more than repay to the country at large any money that may be so expended.

U. S. GRANT.

WASHINGTON, *June 10, 1876.*

To the House of Representatives:

I transmit herewith, in answer to the resolution of the House of Representatives of the 30th day of March last, a report from the Secretary of

---

* Relating to amount of money in the custody of the Department of State to the credit of the awards of the mixed commission under the treaty with Venezuela of April 25, 1866.

† Relating to the steps taken for the protection of American citizens in the Ottoman dominions.

State, with accompanying papers, which presents the correspondence and condition of the question* up to the day of its date.

U. S. GRANT.

WASHINGTON, *June 14, 1876*.

To the Senate:

In answer to the resolution of the Senate of the 26th April ultimo, I herewith transmit a report† from the Secretary of State, with accompanying documents.

U. S. GRANT.

EXECUTIVE MANSION, *June 17, 1876*.

To the Senate and House of Representatives:

The near approach of a new fiscal year and the failure of Congress up to this time to provide the necessary means to continue all the functions of Government make it my duty to call your attention to the embarrassments that must ensue if the fiscal year is allowed to close without remedial action on your part.

Article I, section 9, of the Constitution declares:

> No money shall be drawn from the Treasury but in consequence of appropriations made by law.

To insure economy of expenditure and security of the public treasure Congress has from time to time enacted laws to restrain the use of public moneys, except for the specific purpose for which appropriated and within the time for which appropriated; and to prevent contracting debts in anticipation of appropriate appropriations, Revised Statutes, section 3679, provides:

> No Department of the Government shall expend in any one fiscal year any sum in excess of appropriations made by Congress for that fiscal year, or involve the Government in any contract for the future payment of money in excess of such appropriations.

Section 3732 provides:

> No contract or purchase on behalf of the United States shall be made unless the same is authorized by law or is under an appropriation adequate to its fulfillment, except in the War and Navy Departments, for clothing, subsistence, forage, fuel, quarters, or transportation, which, however, shall not exceed the necessities of the current year.

Section 3678, as follows:

> All sums appropriated for the various branches of expenditure in the public service shall be applied solely to the objects for which they are respectively made, and for no others.

---

*The refusal of Great Britain to surrender certain fugitive criminals in accordance with the extradition clause of the treaty of August 9, 1842.

†Relating to claims before and judgments rendered by the Alabama Claims Commission arising from captures by the rebel cruiser *Shenandoah*.

Section 3690, that—

> All balances of appropriations contained in the annual appropriation bills, and made specifically for the service of any fiscal year, and remaining unexpended at the expiration of such fiscal year, shall only be applied to the payment of expenses properly incurred during that year or to the fulfillment of contracts properly made within that year; and balances not needed for such purposes shall be carried to the surplus fund. This section, however, shall not apply to appropriations known as permanent or indefinite appropriations.

The effect of the laws quoted, taken in connection with the constitutional provision referred to, is, as above stated, to prohibit any outlay of public money toward defraying even the current and necessary expenses of Government after the expiration of the year for which appropriated, excepting when those expenses are provided for by some permanent appropriation, and excepting in the War and Navy Departments, under section 3732.

The number of permanent appropriations are very limited, and cover but few of the necessary expenditures of the Government. They are nearly all, if not quite all, embraced in sections 3687, 3688, and 3689 of the Revised Statutes. That contained in section 3687 is applicable to *expenses of collecting the revenue from customs*, that in section 3688 to the payment of interest on the *public debt*, and that in section 3689 to various objects too numerous to detail here.

It will be observed that while section 3679, quoted above, provides that *no* Department shall in any one fiscal year involve the Government in any contract for the future payment of money in excess of the appropriation for that year, section 3732, also quoted above, confers, by clear implication, upon the heads of the War and Navy Departments full authority, even in the absence of any appropriation, to purchase or contract for clothing, subsistence, forage, fuel, quarters, or transportation not exceeding the necessities of the current year. The latter provision is special and exceptional in its character, and is to be regarded as excluded from the operation of the former more general one. But if any of the appropriation bills above enumerated should fail to be matured before the expiration of the current fiscal year, the Government would be greatly embarrassed for want of the necessary funds to carry on the service. Precluded from expending money not appropriated, the Departments would have to suspend the service so far as the appropriations for it should have failed to be made.

A careful examination of this subject will demonstrate the embarrassed condition all branches of the Government will be in, and especially the executive, if there should be a failure to pass the necessary appropriation bills before the 1st of July, or otherwise provide.

I commend this subject most earnestly to your consideration, and urge that some measure be speedily adopted to avert the evils which would result from nonaction by Congress. I will venture the suggestion, by way of remedy, that a joint resolution, properly guarded, might be passed through the two Houses of Congress, extending the provisions of all appropriations for the present fiscal year to the next in all cases where there is a failure on the 1st of July to supply such appropriation; each appropriation so extended to hold good until Congress shall have passed a corresponding appropriation applicable to the new fiscal year, when all moneys expended under laws enacted for this fiscal year shall be deducted from the corresponding appropriation for the next.

To make my ideas on this subject more clear, I have caused to be drawn up a joint resolution embodying them more fully.

U. S. GRANT.

JOINT RESOLUTION to provide for defraying temporarily the ordinary and necessary expenses of the public service.

Whereas the ordinary and necessary expenses of the public service in its various branches, comprising among others the expenses which especially pertain to the legislative, executive, and judicial departments of the Government, to the consular and diplomatic service, to the postal service, to the support of the Army, and to the maintenance of the Navy, are generally met by annual appropriations which expire at the end of the current fiscal year; and

Whereas no public funds will be available to defray these expenses as the same shall accrue after that period unless appropriations shall have been previously made therefor by law; and

Whereas, to avoid the great embarrassment to the public service that might otherwise ensue, it is expedient to make provision for defraying temporarily such of these expenses as would be unprovided for in case some one of the usual annual appropriation bills designed to provide therefor should fail to be matured by the end of the fiscal year now current: Therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in case any of the following appropriation bills for the fiscal year ending June 30, 1877, shall not have passed by the commencement of such year, so that the funds to be appropriated thereby may then be available for expenditure—that is to say, the bill providing for the legislative, executive, and judicial expenses; the bill providing for the consular and diplomatic expenses; the bill providing for the service of the Post-Office Department; the bill providing for the support of the Army, and the bill providing for the naval service—the appropriation act for the current fiscal year corresponding in its general description and object to such appropriation bill shall extend to the fiscal year next ensuing until such appropriation bill is enacted and takes effect, to the end that the provisions of such appropriation act which apply to the ordinary and necessary expenses of the public service for the current fiscal year shall in like manner be applicable to similar expenses which may accrue during the period intervening between the end of the current fiscal year and the time when such appropriation bill for the next ensuing fiscal year shall be enacted and take effect.

WASHINGTON, *June 20, 1876*.

To the Senate and House of Representatives:

By the tenth article of the treaty between the United States and Great Britain signed in Washington on the 9th day of August, 1842, it was agreed that the two Governments should, upon mutual requisitions respectively made, deliver up to justice all persons who, being charged with certain crimes therein enumerated, committed within the jurisdiction of either, should seek an asylum or be found within the territories of the other.

The only condition or limitation contained in the treaty to the reciprocal obligation thus to deliver up the fugitive was that it should be done only upon such evidence of criminality as, according to the laws of the place where the fugitive or person so charged should be found, would justify his apprehension and commitment for trial if the crime or offense had there been committed.

In the month of February last a requisition was duly made, in pursuance of the provisions of the treaty, by this Government upon that of Great Britain for the surrender of one Ezra D. Winslow, charged with extensive forgeries and the utterance of forged paper, committed within the jurisdiction of the United States, who had sought an asylum and was found within the territories of Her Britannic Majesty and was apprehended in London. The evidence of the criminality of the fugitive was duly furnished and heard, and, being found sufficient to justify his apprehension and commitment for trial if the crimes had been committed in Great Britain, he was held and committed for extradition.

Her Majesty's Government, however, did not deliver up the fugitive in accordance with the terms of the treaty, notwithstanding every requirement thereof had been met on the part of the United States, but, instead of surrendering the fugitive, demanded certain assurances or stipulations not mentioned in the treaty, but foreign to its provisions, as a condition of the performance by Great Britain of her obligations under the treaty.

In a recent communication to the House of Representatives, and in answer to a call from that body for information on this case, I submitted the correspondence which has passed between the two Governments with reference thereto. It will be found in Executive Document No. 173 of the House of Representatives of the present session, and I respectfully refer thereto for more detailed information bearing on the question.

It appears from the correspondence that the British Government bases its refusal to surrender the fugitive and its demand for stipulations or assurances from this Government on the requirements of a purely domestic enactment of the British Parliament, passed in the year 1870.

This act was brought to the notice of this Government shortly after its enactment, and Her Majesty's Government was advised that the United States understood it as giving continued effect to the existing engagements under the treaty of 1842 for the extradition of criminals; and with this knowledge on its part, and without dissent from the declared views of the United States as to the unchanged nature of the reciprocal rights and obligations of the two powers under the treaty, Great Britain has continued to make requisitions and to grant surrenders in numerous instances, without suggestion that it was contemplated to depart from the practice under the treaty which has obtained for more than thirty years, until now, for the first time, in this case of Winslow, it is assumed that under this act of Parliament Her Majesty may require a stipulation or agreement not provided for in the treaty as a condition to the observance by her Government of its treaty obligations toward this country.

This I have felt it my duty emphatically to repel.

In addition to the case of Winslow, requisition was also made by this Government on that of Great Britain for the surrender of Charles J. Brent, also charged with forgery, committed in the United States, and found in Great Britain. The evidence of criminality was duly heard and the fugitive committed for extradition.

A similar stipulation to that demanded in Winslow's case was also asked in Brent's, and was likewise refused.

It is with extreme regret that I am now called upon to announce to you that Her Majesty's Government has finally released both of these fugitives, Winslow and Brent, and set them at liberty, thus omitting to comply with the provisions and requirements of the treaty under which the extradition of fugitive criminals is made between the two Governments.

The position thus taken by the British Government, if adhered to, can not but be regarded as the abrogation and annulment of the article of the treaty on extradition.

Under these circumstances it will not, in my judgment, comport with the dignity or self-respect of this Government to make demands upon that Government for the surrender of fugitive criminals, nor to entertain any requisition of that character from that Government under the treaty.

It will be a cause of deep regret if a treaty which has been thus far beneficial in its practical operation, which has worked so well and so efficiently, and which, notwithstanding the exciting and at times violent political disturbances of which both countries have been the scene during its existence, has given rise to no complaints on the part of either Government against either its spirit or its provisions, should be abruptly terminated.

It has tended to the protection of society and to the general interests of both countries. Its violation or annulment would be a retrograde step in international intercourse.

I have been anxious and have made the effort to enlarge its scope and to make a new treaty which would be a still more efficient agent for the punishment and prevention of crime. At the same time, I have felt it my duty to decline to entertain a proposition made by Great Britain, pending its refusal to execute the existing treaty, to amend it by practically conceding by treaty the identical conditions which that Government demands under its act of Parliament. In addition to the impossibility of the United States entering upon negotiations under the menace of an intended violation or a refusal to execute the terms of an existing treaty

I deemed it inadvisable to treat of only the one amendment proposed by Great Britain while the United States desires an enlargement of the list of crimes for which extradition may be asked, and other improvements which experience has shown might be embodied in a new treaty.

It is for the wisdom of Congress to determine whether the article of the treaty relating to extradition is to be any longer regarded as obligatory on the Government of the United States or as forming part of the supreme law of the land. Should the attitude of the British Government remain unchanged, I shall not, without an expression of the wish of Congress that I should do so, take any action either in making or granting requisitions for the surrender of fugitive criminals under the treaty of 1842.

Respectfully submitted.

U. S. GRANT.

EXECUTIVE MANSION, *July 8, 1876.*

To the Senate of the United States:

I have the honor to transmit herewith a report* from General W. T. Sherman [J. D. Cameron, Secretary of War], together with the most recent reports received from Brigadier-General A. H. Terry, as a response to the resolution of the Senate of the 7th instant, a copy of which is attached to this message.

U. S. GRANT.

WASHINGTON, *July 13, 1876.*

To the House of Representatives:

I transmit herewith, in answer to a resolution of the House of Representatives of the 1st ultimo, a report† from the Secretary of State upon the subject.

U. S. GRANT.

WASHINGTON, *July 19, 1876.*

To the House of Representatives:

I transmit a report from the Secretary of State, in answer to the resolution of the House of Representatives of the 1st of April last, on the subject of commercial intercourse with Mexico and Central America.

U. S. GRANT.

EXECUTIVE MANSION, *July 31, 1876.*

To the House of Representatives:

The act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1877, is so defective in what it omits to provide for that I can not announce its approval without at the same time pointing out what seems to me to be its defects. It makes but inadequate provision for the service at best, and in some instances fails to make any provision whatever.

---

* Relating to hostile demonstrations of the Sioux Indians and the disaster to the forces under General Custer.

† Stating that no correspondence has taken place with Great Britain relative to the sequestration of the lands and property in New Zealand claimed by William Webster, an American citizen.

Notably among the first class is the reduction in the ordinary annual appropriations for the Revenue-Cutter Service, to the prejudice of the customs revenue.

The same may be said of the Signal Service, as also the failure to provide for the increased expense devolved upon the mints and assay offices by recent legislation, and thus tending to defeat the objects of that legislation.

Of this class also are public buildings, for the protection, preservation, and completion of which there is no adequate appropriation, while the sum of $100,000 only is appropriated for the repairs of the different navy yards and stations and the preservation of the same, the ordinary and customary appropriations for which are not less than $1,000,000.

A similar reduction is made in the expenses for armories and arsenals.

The provision for the ordinary judicial expenses is much less than the estimated amount for that important service, the actual expenditures of the last fiscal year, and the certain demands of the current year.

The provision for the expenses of the surveys of public lands is less than one-half of the usual appropriation for that service and what are understood to be its actual demands.

Reduction in the expenditures for light-houses, beacons, and fog stations is also made in similar proportion.

Of the class for which no appropriation is made, among the most noticeable, perhaps, is that portion of the general expenses of the District of Columbia on behalf of the United States, as appropriated in former years, and the judgments of the Court of Claims. The failure to make a reasonable contribution to the expenses of the nation's capital is an apparent dereliction on the part of the United States and rank injustice to the people here who bear the burdens, while to refuse or neglect to provide for the payment of solemn judgments of its own courts is apparently to repudiate. Of a different character, but as prejudicial to the Treasury, is the omission to make provision to enable the Secretary of the Treasury to have the rebel archives and records of captured and abandoned property examined and information furnished therefrom for the use of the Government.

Finally, without further specification of detail, it may be said that the act which in its title purports to make provision for a diverse and greatly extended civil service unhappily appropriates an amount not more than 65 per cent of its ordinary demands.

The legislative department establishes and defines the service, and devolves upon the Executive Departments the obligation of submitting annually the needful estimates of expenses of such service. Congress property exacts implicit obedience to the requirements of the law in the administration of the public service and rigid accountability in the expenditures therefor. It is submitted that a corresponding responsibility and obligation rest upon it to make the adequate appropriations to render possible such administration and tolerable such exaction. Anything short of an ample provision for a specified service is necessarily fraught with disaster to the public interests and is a positive injustice to those charged with its execution.

To appropriate and to execute are corresponding obligations and duties, and the adequacy of the former is the necessary measure of the efficiency of the execution.

In this eighth month of the present session of Congress—nearly one month of the fiscal year to which this appropriation applies having passed—I do not feel warranted in vetoing an absolutely necessary appropriation bill; but in signing it I deem it a duty to show where the responsibility belongs for whatever embarrassments may arise in the execution of the trust confided to me.

U. S. GRANT.

EXECUTIVE MANSION, *July 31, 1876.*

To the Senate of the United States:

In response to the resolution of the Senate of July 20, 1876, calling upon the President to communicate to the Senate, if in his opinion not incompatible with the public interest, any information in regard to the slaughter of American citizens at Hamburg, S. C., I have the honor to submit the following inclosures, to wit:

No. 1. Letter of the 22d of July, 1876, from Governor D. H. Chamberlain, of South Carolina, to me.

No. 2. My reply thereto.

No. 3. Report of Hon. William Stone, attorney-general of South Carolina.

No. 4. Report of General H.W. Purvis, adjutant and inspector general of South Carolina.

No. 5. Copy of evidence taken before a coroner's jury investigating facts relating to the Hamburg massacre.

No. 6. Printed copy of statement by M. C. Butler, of South Carolina.

No. 7. Printed letter from the same to the editors of the Journal of Commerce.

No. 8. Copy of letter from Governor Chamberlain to the Hon. T. J. Robertson.

No. 9. An address to the American people by the colored citizens of Charleston, S. C.

No. 10. An address by a committee appointed at a convention of leading representatives of Columbia, S. C.

No. 11. Copy of letter of July 15, 1876, from the district attorney of Mississippi to the Attorney-General of the United States.

No. 12. Letter from same to same.

No. 13. Copy of report of a grand jury lately in session in Oxford, Miss.

These inclosures embrace all the information in my possession touching the late disgraceful and brutal slaughter of unoffending men at the town of Hamburg, S. C. My letter to Governor Chamberlain contains all the comments I wish to make on the subject. As allusion is made in that letter to the condition of other States, and particularly to Louisiana and Mississippi, I have added to the inclosures letters and testimony in regard to the lawless condition of a portion of the people of the latter State.

In regard to Louisiana affairs, murders and massacres of innocent men for opinion's sake or on account of color have been of too recent date and of too frequent occurrence to require recapitulation or testimony here. All are familiar with their horrible details, the only wonder being that so many justify them or apologize for them.

But recently a committee of the Senate of the United States visited the State of Mississippi to take testimony on the subject of frauds and violence in elections. Their report has not yet been made public, but I await its forthcoming with a feeling of confidence that it will fully sustain all that I have stated relating to fraud and violence in the State of Mississippi.

U. S. GRANT.

EXECUTIVE MANSION, *August 11, 1876.*

To the Senate and House of Representatives:

I transmit herewith a telegram of the 5th of August instant from Lieutenant-General Sheridan to General Sherman, a letter of the 11th of the present month from General Sherman to the Secretary of War, and a letter from the latter of the same date to me, all setting forth the possible needs of the Army in consequence of existing hostilities.

I would strongly urge upon Congress the necessity for making some provision for a contingency which may arise during the vacation—for more troops in the Indian country than it is now possible to send.

It would seem to me to be much more economical and better to authorize an increase of the present cavalry force by 2,500 privates, but if this is not deemed advisable, then that the President be authorized to call out not exceeding five regiments, 1,000 strong each, of volunteers, to serve for a period not exceeding six months.

Should this latter authority be given, I would not order out any volunteers unless in my opinion, based upon reports from the scene of war, I deemed it absolutely necessary, and then only the smallest number considered sufficient to meet the emergency.

U. S. GRANT.

EXECUTIVE MANSION, *August 14, 1876.*

To the House of Representatives:

In affixing my signature to the river and harbor bill, No. 3822, I deem it my duty to announce to the House of Representatives my objections to some features of the bill, and the reason I sign it. If it was obligatory upon the Executive to expend all the money appropriated by Congress, I should return the river and harbor bill with my objections, notwithstanding the great inconvenience to the public interests resulting therefrom and the loss of expenditures from previous Congresses upon incompleted works. Without enumerating, many appropriations are made for works of purely private or local interest, in no sense national. I can not give my sanction to these, and will take care that during my term of office no public money shall be expended upon them.

There is very great necessity for economy of expenditures at this time, growing out of the loss of revenue likely to arise from a deficiency of appropriations to insure a thorough collection of the same. The reduction of revenue districts, diminution of special agents, and total abolition of supervisors may result in great falling off of the revenue. It may be a question to consider whether any expenditure can be authorized under the river and harbor appropriation further than to protect works already done and paid for. Under no circumstances will I allow expenditures upon works not clearly national.

U. S. GRANT.

WASHINGTON, *August 14, 1876.*

To the House of Representatives:

In announcing, as I do, that I have attached my signature of official approval to the "Act making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1877, and for other purposes," it is my duty to call attention to a provision in the act directing that notice be sent to certain of the diplomatic and consular officers of the Government "to close their offices."

In the literal sense of this direction it would be an invasion of the constitutional prerogatives and duty of the Executive.

By the Constitution the President "shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and, by and with the advice and consent of the Senate, shall appoint, ambassadors, other public ministers, and consuls," etc.

It is within the power of Congress to grant or withhold appropriation of money for the payment of salaries and expenses of the foreign representatives of the Government.

In the early days of the Government a sum in gross was appropriated, leaving it to the Executive to determine the grade of the officers and the countries to which they should be sent.

Latterly, for very many years, specific sums have been appropriated for designated missions or employments, and as a rule the omission by Congress to make an appropriation for any specific port has heretofore been accepted as an indication of a wish on the part of Congress which the executive branch of the Government respected and complied with.

In calling attention to the passage which I have indicated I assume that the intention of the provision is only to exercise the constitutional prerogative of Congress over the expenditures of the Government and to fix a time at which the compensation of certain diplomatic and consular officers shall cease, and not to invade the constitutional rights of the Executive, which I should be compelled to resist; and my present object is not to discuss or dispute the wisdom of failing to appropriate for several offices, but to guard against the construction that might possibly be placed on the language used, as implying a right in the legislative branch to direct the closing or discontinuing of any of the diplomatic or consular offices of the Government.

U. S. GRANT.

[For message of August 15, 1876, withdrawing objections to Senate bill No. 779, see p. 4342.]

WASHINGTON, *August 15, 1876.*

To the Senate of the United States:

I transmit to the Senate, in answer to its resolution of the 24th ultimo, a report from the Secretary of State, with its accompanying statement.*

U. S. GRANT.

VETO MESSAGES.

EXECUTIVE MANSION, *February 3, 1876.*

To the House of Representatives:

I have the honor to return herewith without my approval House bill No. 1561, entitled "An act transferring the custody of certain Indian trust funds from the Secretary of the Interior to the Treasurer of the United States," for the reasons set forth in the accompanying communication from the Secretary of the Interior.

U. S. GRANT.

DEPARTMENT OF THE INTERIOR,
Washington, February 2, 1876.

The PRESIDENT.

SIR: I acknowledge the receipt of your communication of the 29th ultimo, transmitting House bill No. 1561 and requesting this Department to report whether any objections to its becoming a law are known to exist.

---

*Aggregate number of civil officers in or connected with the Department of State from 1859 to 1875, inclusive.

In reply I have the honor to state that I am fearful that the act is not sufficiently definite in terms to accomplish the end desired, namely, the mere transfer of the custody of said trust funds, enabling this Department to receive the interest from the custodian and apply it as heretofore without the intervention of Congress. The nature of the guardianship and control over the Indians exercised by me as Secretary and trustee is such as to require this Department to keep an account of the funds to their credit or held in trust for them, and to receive the interest on their trust funds promptly when due. I am fearful that this bill may not allow me to do so, and to guard against any danger of embarrassment in the transaction of this business I inclose a draft of a bill* which, if substituted for the one already passed, will, it is believed, obviate the difficulties which may arise if the present bill should become a law.

Very respectfully, your obedient servant,

Z. CHANDLER, *Secretary.*

EXECUTIVE MANSION, *March 27, 1876.*

To the House of Representatives:

I have the honor to return herewith without my approval the bill (H. R. No. 83) entitled "An act for the relief of James A. Hile, of Lewis County, Mo.," for the reasons set forth in the accompanying communication of the Secretary of War.

U. S. GRANT.

WAR DEPARTMENT,
Washington City, March 25, 1876.

The PRESIDENT.

SIR: I have the honor to return act H. R. 83, with the following report from the Adjutant-General:

"It appears from the records of this office that James A. Hile, private Company F, Twenty-first Missouri Volunteers, enlisted July 15, 1861; deserted June 14, 1862; returned August 2, 1862; was restored to duty by special order No. 38, headquarters District of Columbus, Department of Tennessee, dated Columbus, Ky., February 26, 1863. He reenlisted February 28, 1864, as a veteran volunteer; was tried by general court-martial for absence without leave from November 25, 1864, to December 13, 1864, and sentenced to forfeit all pay and allowances for time absent by general order No. 48, headquarters Second Division, Sixteenth Army Corps, dated May 22, 1865.

"On the muster-out roll of company dated April 19, 1866, he is reported, 'Deserted March 1, 1866, at Bladen Springs, Ala.'

"This man, in his application to this office for discharge, stated under oath (affidavit dated July 27, 1870) that he left his command without leave and returned to his home February 28, 1866, having previously applied for a furlough, which was refused.

"This man, according to his own statement under oath, did desert as reported, and if this bill becomes a law it will be an injustice to every soldier who served honorably with his command until his services were no longer required by the Government, in addition to falsifying the record, as the bill directs the record shall be made to show he is *no deserter.*

"This is only one of many similar cases."

The remarks of the Adjutant-General adverse to the passage of the bill are concurred in.

Very respectfully, your obedient servant,

ALPHONSO TAFT,
Secretary of War.

---

*Omitted.

EXECUTIVE MANSION, *March 31, 1876.*

To the Senate of the United States:

For the reasons set forth in the accompanying communication from the Secretary of the Treasury, I have the honor to return herewith without my approval Senate bill No. 489, entitled "An act for the relief of G. B. Tyler and E. H. Luckett, assignees of William T. Cheatham."

U. S. GRANT.

TREASURY DEPARTMENT, *March 30, 1876.*

The PRESIDENT:

Referring to the letter of the 25th instant, written by your direction, transmitting Senate bill No. 489, "for the relief of G. B. Tyler and E. H. Luckett, assignees of William T. Cheatham," and requesting my opinion as to the propriety of its approval by you, I have to say that there are no data on file in the Department, so far as I can learn, which indicate that the amount it is proposed by this bill to refund to the assignees of Mr. Cheatham was wrongfully collected or that the amount should be refunded.

The Commissioner of Internal Revenue, in his report to me in reference to the matter, says:

"The reimbursement to the United States by said Cheatham of the salary paid to this storekeeper by the collector of internal revenue for the months of December, 1869, and January, 1870, was in accordance with the provisions of joint resolution of March 29, 1869 (16 U. S. Statutes at Large, p. 52), and there appears to be no reason for the refunding by the United States to the assignees of said Cheatham the salary of this storekeeper that would not apply with equal force to similar payments by all other distillers who were operating their distilleries or had spirits in their warehouses at that time."

The facts above stated are considered by this office valid and serious objections to the approval of this bill, and they would have been communicated to the Congressional committee before the passage of the bill had they called the attention of this office to the subject.

The bill is herewith returned.

I have the honor to be, very respectfully, your obedient servant,

B. H. BRISTOW,
Secretary.

EXECUTIVE MANSION, *April 18, 1870.*

To the Senate of the United States:

Herewith I return Senate bill No. 172, entitled "An act fixing the salary of the President of the United States," without my approval.

I am constrained to this course from a sense of duty to my successors in office, to myself, and to what is due to the dignity of the position of Chief Magistrate of a nation of more than 40,000,000 people.

When the salary of the President of the United States, pursuant to the Constitution, was fixed at $25,000 per annum, we were a nation of but 3,000,000 people, poor from a long and exhaustive war, without commerce or manufactures, with but few wants and those cheaply supplied. The salary must then have been deemed small for the responsibilities and dignity of the position, but justifiably so from the impoverished condition of the Treasury and the simplicity it was desired to cultivate in the Republic.

The salary of Congressmen under the Constitution was first fixed at $6 per day for the time actually in session—an average of about one hundred and twenty days to each session—or $720 per year, or less than one-thirtieth of the salary of the President.

Congress have legislated upon their own salaries from time to time since, until finally it reached $5,000 per annum, or one-fifth that of the President, before the salary of the latter was increased.

No one having a knowledge of the cost of living at the national capital will contend that the present salary of Congressmen is too high, unless it is the intention to make the office one entirely of honor, when the salary should be abolished—a proposition repugnant to our republican ideas and institutions.

I do not believe the citizens of this Republic desire their public servants to serve them without a fair compensation for their services. Twenty-five thousand dollars does not defray the expenses of the Executive for one year, or has not in my experience. It is not now one-fifth in value of what it was at the time of the adoption of the Constitution in supplying demands and wants.

Having no personal interest in this matter, I have felt myself free to return this bill to the House in which it originated with my objections, believing that in doing so I meet the wishes and judgment of the great majority of those who indirectly pay all the salaries and other expenses of Government.

U. S. GRANT.

EXECUTIVE MANSION, *May 26, 1876.*

To the House of Representatives:

I return herewith without my approval House bill No. 1922, entitled "An act providing for the recording of deeds, mortgages, and other conveyances affecting real estate in the District of Columbia."

The objection to affixing my signature to this bill may be found in the communication addressed to me by the Attorney-General, and which accompanies this message.

U. S. GRANT.

DEPARTMENT OF JUSTICE,
Washington, May 23, 1876.

The PRESIDENT.

SIR: In reply to your note of the 19th instant, in which you request me to report whether there are objections to your approval of "An act providing for the recording of deeds, mortgages, and other conveyances affecting real estate in the District of Columbia," being House bill No. 1922, I have the honor to state that the bill seems to me objectionable because of indefiniteness and uncertainty as to the time which it purports to fix when deeds of trust, mortgages, etc., shall take effect and be valid as to creditors and subsequent purchasers for valuable consideration without notice.

Although there is no constitutional objection to the act, yet for the reason above stated I hesitate to advise its approval.

Very respectfully, your obedient servant,

EDWARDS PIERREPONT, *Attorney-General.*

EXECUTIVE MANSION, *June 9, 1876.*

To the Senate of the United States:

I return herewith without my approval Senate bill No. 165, entitled "An act for the relief of Michael W. Brock, of Meigs County, Tenn., late a private in Company D, Tenth Tennessee Volunteers."

The objection to affixing my signature to this bill may be found in the indorsement (which accompanies this message) by the Adjutant-General of the Army.

U. S. GRANT.

WAR DEPARTMENT,
ADJUTANT-GENERAL'S OFFICE,
Washington, June 8, 1876.

Respectfully returned to the Secretary of War.

The records of this office show that Michael W. Brock, Company D, Tenth Tennessee Volunteers, deserted November 24, 1864, due United States for horse and horse equipments, carbine, saber, and pistol, all complete.

He presented satisfactory evidence of his having left the service by proper authority, and the charge of desertion has been removed and the soldier furnished an honorable discharge.

No evidence has been presented to this office to establish that he was erroneously charged with Government property.

If satisfactory evidence is furnished showing conclusively that this soldier was erroneously charged with Government property, taken at time of his reported desertion, the charge will be removed, and in that case the inclosed act for his relief will be unnecessary.

E. D. TOWNSEND, *Adjutant-General.*

EXECUTIVE MANSION, *June 30, 1876.*

To the Senate of the United States:

I return herewith without my approval Senate bill No. 692, entitled "An act to amend chapter 166 of the laws of the second session of the Forty-third Congress."

The objections to affixing my signature to this bill may be found in the report, which accompanies this message, of the Chief of Engineers of the Army to the Secretary of War.

U. S. GRANT.

WAR DEPARTMENT,
Washington City, June 28, 1876.

The PRESIDENT:

SIR: I have the honor to return herewith Senate bill No. 692, "to amend chapter 166 of the laws of the second session of the Forty-third Congress," and beg to invite your attention to the report of the Chief of Engineers dated the 27th instant, copy inclosed, and for the reasons stated in said report it is believed the bill should not become a law.

Very respectfully, your obedient servant,

J. D. CAMERON,
Secretary of War.

OFFICE OF THE CHIEF OF ENGINEERS, *June 27, 1876.*

Respectfully returned to the honorable the Secretary of War.

"An act to aid in the improvement of the Fox and Wisconsin rivers, in the State of Wisconsin," approved March 3, 1875, contains the following clause:

"In case any lands or other property is now or shall be flowed or injured by means of any part of the works of said improvement heretofore or hereafter constructed, for which compensation is now or shall become legally owing, and in the opinion of the officer in charge it is not prudent that the dam or dams be lowered, the amount of such compensation may be ascertained in like manner," etc.

The dams referred to in the above clause are at the outlets of Lake Winnebago, known as the Neenah or Menasha channels of the Lower Fox River.

The officer of the Department of Justice appointed under the provisions of the act referred to to represent the interests of the United States in legal proceedings "for flowage damages hereinbefore described," acting apparently under the assumption that because the dams in question had not been lowered it was the opinion of the officer in charge that they should not be lowered, has had such surveys, investigations, etc., made as were deemed necessary by him to protect the interests of the United States, and under this action it is understood that, at the instance of claimants, judges of the circuit court have appointed commissioners to decide on the amount of compensation due, and the judges have fixed the rate of compensation the commissioners are to receive. These commissioners are not appointed at the instance of the United States.

In this way the awards for damages have already been made to the amount of $70,000, and ultimately a much larger sum will be claimed to be due from the United States.

The officer of engineers in charge of the improvement of the Fox and Wisconsin rivers reports that the dams which have occasioned the flowage were not constructed by the canal companies, and are not at all necessary for the purposes of navigation, and so far as that is concerned could not only be lowered, but entirely dispensed with.

They were built by private parties solely for their own use and profit and for water-power purposes, and have raised the water level and caused the flowage, for which they should be held liable.

In view of the preceding facts, and for the additional reason that the subject of the liability of the United States is now being investigated by the Department of Justice, it is respectfully suggested that the inclosed act to amend chapter 166 of the laws of the second session of the Forty-third Congress (S. 692) should not become a law.

A. A. HUMPHREYS,
Brigadier-General and Chief of Engineers.

EXECUTIVE MANSION, *July 11, 1876.*

To the House of Representatives:

For the reasons set forth in the accompanying report of the Secretary of War, I have the honor to return herewith without my approval House bill No. 1337, entitled "An act for the relief of Nelson Tiffany."

U. S. GRANT.

WAR DEPARTMENT, *June 7, 1876.*

The PRESIDENT.

SIR: I have the honor to return House bill No. 1337, "for the relief of Nelson Tiffany."

The Adjutant-General, to whom the bill was referred, reports as follows:

"Nelson Tiffany, private, Company A, Twenty-fifth Massachusetts Volunteers, deserted October 10, 1864, and remained absent until April 25, 1865, when he surrendered under the President's proclamation, thereby acknowledging his desertion.

"If this bill becomes a law, it will not only falsify the records of this Department, but will be an injustice to every man who served honorably during the War of the Rebellion."

* * * * * * *

Very respectfully, your obedient servant,

J. D. CAMERON,
Secretary of War.

EXECUTIVE MANSION, *July 13, 1876.*

To the House of Representatives:

For the reasons stated in the accompanying report by the Commissioner of Pensions to the Secretary of the Interior, I have the honor to return without my approval House bill No. 11, entitled "An act granting a pension to Eliza Jane Blumer."

U. S. GRANT.

DEPARTMENT OF THE INTERIOR,
Washington, July 8, 1876.

The PRESIDENT.

SIR: I have the honor to return herewith a bill (H. R. 11) entitled "An act granting a pension to Eliza Jane Blumer," and to invite your attention to the inclosed copy of a communication addressed to me on the 7th instant by the Commissioner of Pensions, relating to said bill.

In the opinion of this Department the misdescription of the soldier in the bill is of such a character as would render it difficult, if not impossible, to carry the provisions of the bill into effect should it become a law.

I have the honor to be, with great respect, your obedient servant,

CHAS. T. GORHAM,
Acting Secretary.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., July 7, 1876.

The Honorable SECRETARY OF THE INTERIOR.

SIR: I have the honor to return herewith engrossed House bill No. 11, giving to Eliza Jane Blumer a pension as a widow of Henry A. Blumer, private of Company A, Forty-seventh Pennsylvania Volunteers, with the suggestion that if the bill is intended to pension Eliza Blumer, whose application, No. 46382, on file in this office, has been rejected, it should designate the soldier as of Company B of said regiment, it failing to appear from the records of the War Department that he served in any other company than that last named.

I am, sir, very respectfully, your obedient servant,

J. A. BENTLEY,
Commissioner.

EXECUTIVE MANSION, *July 20, 1876.*

To the House of Representatives:

I have the honor to return herewith without my approval House bill No. 2684, entitled "An act to amend sections 3946, 3951, and 3954 of the Revised Statutes."

It is the judgment of the Postmaster-General, whose report accompanies this message, that if this bill should become a law in its present form it would fail to give effect to its provisions. The remedial suggestions in his report are respectfully recommended to your attention.

U. S. GRANT.

POST-OFFICE DEPARTMENT,
Washington, D. C., July 19, 1876.

The PRESIDENT OF THE UNITED STATES,
Washington, D. C.

SIR: I have the honor to return herewith House bill No. 2684, "to amend sections 3946, 3951, and 3954 of the Revised Statutes," with the following objections thereto:

The sections of the Revised Statutes which this bill proposes to amend were substantially repealed by the twelfth section of the act entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1875, and for other purposes," approved June 23, 1874. The sections of the Revised Statutes numbered as indicated in the bill were enacted as sections 246 and 251 of the "act to revise, consolidate, and amend the statutes relating to the Post-Office Department," approved June 8, 1872. These sections were subsequently embodied in the revision of the statutes.

If the accompanying bill should become a law in its present form, it would, in my judgment, fail to give effect to its provisions. The bill is a very important one for the service of the Post-Office Department. Efforts have been made for four or five years past to induce Congress to pass just such a law. To break up the vicious system of straw bidding, this bill would be very valuable, and I regret exceedingly that a mistake should have been made in the title and enacting clause which will render its provisions inoperative.

I therefore suggest that the attention of the House in which it originated shall be called to the defects in the bill explained above; and to enable that body to understand very fully what, in my judgment, would be required to perfect it, I would suggest that the title should read "A bill to amend subsections 246 and 251 of section 12 of an act entitled 'An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1875, and for other purposes,' approved June 23, 1874, and also to amend section 3954 of the Revised Statutes," and that the enacting clause of the bill should be changed in conformity therewith.

I have the honor to be, with great respect, your obedient servant,

JAS. N. TYNER, *Postmaster-General.*

EXECUTIVE MANSION, *August 14, 1876.*

To the House of Representatives:

For the reason stated in the accompanying communication, submitted to me by the Secretary of War, I have the honor to return herewith without my approval House bill No. 36, entitled "An act to restore the name of Captain Edward S. Meyer to the active list of the Army."

U. S. GRANT.

WAR DEPARTMENT,
Washington, D. C., August 4, 1876.

The PRESIDENT.

SIR: I have the honor to return House bill No. 36, "to restore the name of Captain Edward S. Meyer to the active list of the Army," and beg to invite your attention to the inclosed report of the Adjutant-General of this date, stating objections to the approval of the bill.

Very respectfully, your obedient servant,

J. D. CAMERON,
Secretary of War.

ADJUTANT-GENERAL'S OFFICE, *August 4, 1876.*

Respectfully returned to the Secretary of War.

Edward S. Meyer served as a private in the Fourth Ohio Volunteers (three months) from May 4, 1861, to August 18, 1861. He again enlisted as private, Nineteenth Ohio Volunteers, September 10, 1861; was promoted first lieutenant November 1, 1861, and resigned September 27, 1862. He was commissioned captain, One hundred and seventh Ohio Volunteers, November 11, 1862; was wounded at Chancellorsville, Va., May 2, 1863, and discharged for physical disability January 1, 1865. He was again mustered into service February 8, 1865, as major, Fifth United States Veteran Volunteers (Hancock's Corps), and mustered out March 20, 1866. Was brevetted lieutenant-colonel, colonel, and brigadier-general of volunteers March 13, 1865.

He was appointed captain, Thirty-fifth United States Infantry, July 28, 1866; became unassigned August 12, 1869; assigned to Nineteenth Infantry August 5, 1870, and transferred to Ninth Cavalry January 1, 1871. Retired August 24, 1872.

July 8, 1869, Captain Meyer applied for retirement on account of wounds received at Chancellorsville May 2, 1863, by which he was incapacitated for active service. No action was then had on the request, pending action by Congress reducing the Army.

October 6, 1869, he asked to be placed on waiting orders, being unfit for duty, and no possibility of improvement without going North. He was accordingly relieved from duty and ordered home to await orders.

December 18, 1869, he called on the Secretary of War and asked to be assigned to duty.

January 4, 1870, he again applied to be assigned to duty with some regiment on the frontier, stating that his wound had healed, etc., and asking to withdraw his previous request for retirement. This was accompanied by a similar request from his father, Mr. S. Meyer, of Ohio.

July 29, 1870, he applied the third time to withdraw application for retirement and to be assigned to duty. On January 1, 1871, in accordance with his repeated requests to be assigned to duty, he was assigned to the Ninth Cavalry, serving in Texas. He joined the regiment, and on March 4, 1872, he renewed his former request to be ordered before a retiring board, stating that he found his injuries would not allow him to remain on duty on the frontier; that his disability was constantly increasing, etc. The medical director of the department approved the request, and added that Captain Meyer's wounds certainly unfitted him for service on the frontier.

April 13, 1872, Senator Sherman joined in requesting retirement of Captain Meyer. He was ordered before the retiring board and on August 20, 1872, was examined.

The board found Captain Meyer "incapacitated for active service, and that said incapacity results from a gunshot wound received in his lower jaw at the battle of Chancellorsville, Va., May 2, 1863," when captain in One hundred and seventh Ohio Volunteers. He was retired in accordance with the finding.

March 21 and December 6, 1873, Captain Meyer asked restoration to active service and reappointment as a captain of cavalry, which application was disapproved by the General of the Army.

Pending the action on the bill before Congress no reports were called for as to the official facts of record in the War Department, and no evidence has been filed in this office showing that he has sufficiently recovered.

The absence of such evidence and the fact that after one assignment to active duty he has failed to be sufficiently recovered are submitted as objections why the bill should not be approved.

E. D. TOWNSEND,
Adjutant-General.

EXECUTIVE MANSION, *August 15, 1876.*

To the House of Representatives:

I herewith return House bill No. 4085 without my approval. The repeal of the clause in the original bill for paving Pennsylvania avenue fixing the time for the completion of the work by December 1, 1876, is objectionable in this, that it fixes no date when the work is to be completed.

Experience shows that where contractors have unlimited time to complete any given work they consult their own convenience, and not the public good. Should Congress deem it proper to amend the present bill in such manner as to fix the date for the completion of the work to be done by any date between December 1 and the close of my official term, it will receive my approval.

U. S. GRANT.

EXECUTIVE MANSION, *August 15, 1876.*

To the Senate of the United States:

For the reasons stated in the accompanying communication, submitted to me by the Acting Secretary of the Interior, I have the honor to return herewith without my approval Senate bill No. 779, entitled "An act to provide for the sale of a portion of the reservation of the confederated Otoe and Missouria and the Sacs and Foxes of the Missouri tribes of Indians, in the States of Kansas and Nebraska."

U. S. GRANT.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., August 14, 1876.

The PRESIDENT.

SIR: I have the honor to return herewith the bill (S. No. 779) entitled "An act to provide for the sale of a portion of the reservation of the confederated Otoe and Missouria and the Sacs and Foxes of the Missouri tribes of Indians, in the States of Kansas and Nebraska," and to invite your attention to the inclosed copy of a letter this day addressed to me by the Commissioner of Indian Affairs, stating that the bill, in his opinion, should not become a law.

I fully concur in the opinion expressed by the Commissioner, and for the reasons stated in his letter do not feel at liberty to recommend your approval of the bill.

I have the honor to be, with great respect, your obedient servant,

CHAS. T. GORHAM,
Acting Secretary.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., August 14, 1876.

The Honorable SECRETARY OF THE INTERIOR.

SIR: I have the honor to return herewith, in accordance with your verbal request, a bill entitled "An act to provide for the sale of a portion of the reservation of the confederated Otoe and Missouria and the Sacs and Foxes of the Missouri tribes of Indians, in the States of Kansas and Nebraska," with my views thereon, the same having passed both Houses of Congress and now awaits the approval of the President.

Your attention is respectfully invited to the act of June 10, 1872 (17 U. S. Statutes at Large, p. 391), which provides for the sale of these reservations, or a portion of them. The whole of both these reservations has been surveyed, a portion in accordance with this act of Congress and the remainder with a view to the allotment of lands to the Indians.

The second section of the bill provides for the appraisement of the whole reservation, while the third section authorizes the sale of a portion not exceeding 120,000 acres, a portion of which is in Kansas.

The bill authorizes the sale of that portion lying in Kansas through the land office located at Beatrice, Nebr. No provision is made for the relief of such Indians, if any there be, who may have settled upon the portion authorized to be sold, and who may have made improvements thereon. Moreover, in fulfillment of treaty obligations, the assent of the Indians to the operations of the whole bill, and not simply to the first section, should be required, as in the case of the Menominees (16 U. S. Statutes at Large, p. 410). In my opinion, this bill should not receive the approval of the President.

I have the honor to be, very respectfully, your obedient servant,

J. Q. SMITH, *Commissioner.*

[The Senate proceeded, as the Constitution prescribes, to reconsider the said bill returned by the President of the United States with his objections, and pending the question, Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding? the following message was received:]

EXECUTIVE MANSION, *August 15, 1876.*

To the Senate of the United States:

Upon further investigation I am convinced that my message of this date, withholding my signature from Senate bill No. 779, entitled "An act to provide for the sale of a portion of the reservation of the confederated Otoe and Missouria and the Sacs and Foxes of the Missouri tribes of Indians, in the States of Kansas and Nebraska," was premature, and I request, therefore, that the bill may be returned, in order that I may affix my signature to it.

U. S. GRANT.

[A motion to refer the last message to the Committee on Privileges and Elections was, after debate, determined in the negative; and the question recurring, Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding? it was determined in the affirmative—yeas 36, nays 0.]

EXECUTIVE MANSION, *August 15, 1876.*

To the Senate of the United States:

For the reasons presented in the accompanying communications, submitted by the Secretary of War, I have the honor to return herewith without my approval Senate bill No. 561, entitled "An act for the relief of Major Junius T. Turner."

U. S. GRANT.

WAR DEPARTMENT,
Washington City, August 14, 1876.

The PRESIDENT.

SIR: I have the honor to return Senate bill 561, "for the relief of Major Junius T. Turner," with copy of the report of the Adjutant-General of this date, stating objections to the approval of the bill.

Very respectfully, your obedient servant,

J. D. CAMERON,
Secretary of War.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
August 14, 1876.

Respectfully returned to the Secretary of War.

The following objections exist to this bill becoming a law:

The bill as passed both Houses awards "such sum as shall equal the travel pay of a captain of volunteers from Washington, D. C., to San Francisco, Cal.," whereas at the date of the discharge of Junius T. Turner he was a private of Company E, California Battalion, Second Massachusetts Cavalry, and not a commissioned officer.

Aside from this, under the established regulations and rulings of the Treasury and War Departments, "a soldier, on receiving and accepting a commission as a company officer, is not entitled to traveling allowances." A departure from this rule, heretofore adhered to, would open up a very wide field for similar claims.

Private Junius T. Turner, Second Massachusetts Cavalry, was discharged by way of favor March 28, 1864, to accept promotion as second lieutenant, Third Maryland Cavalry, and was mustered as of that grade in said regiment March 29, 1864.

He was honorably discharged September 7, 1865, as captain, Third Maryland Cavalry, as set forth in the inclosed official copy of a letter* from this office, dated June 7, 1876, to Hon. C. D. MacDougall, M. C., of Committee on Military Affairs, House of Representatives.

E. D. TOWNSEND,
Adjutant-General.

[The Senate proceeded, as the Constitution prescribes, to reconsider the said bill returned by the President of the United States with his objections, and pending the question, Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding? it was ordered that the message be referred to the Committee on Military Affairs. At the next (second) session of the Forty-fourth Congress the following message was received:]

EXECUTIVE MANSION, *January 12, 1877.*

To the Senate of the United States:

On the eve of the adjournment of the last session of Congress I returned to the Senate bill No. 561, entitled "An act for the relief of Major Junius T.

---

*Omitted.

Turner," with my objections to its becoming a law. I now desire to withdraw those objections, as I am satisfied they were made under a misapprehension of the facts.

U. S. GRANT.

[This message was also referred to the Committee on Military Affairs. which committee, on February 13, 1877, reported to the Senate a recommendation that the bill do pass, the objections of the President of the United States to the contrary notwithstanding. No action was taken.]

PROCLAMATIONS.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas by the first section of an act entitled "An act to authorize the President to accept for citizens of the United States the jurisdiction of certain tribunals in the Ottoman dominions and Egypt, established or to be established under the authority of the Sublime Porte and of the Government of Egypt," approved March 23, 1874, it was enacted as follows:

> That whenever the President of the United States shall receive satisfactory information that the Ottoman Government or that of Egypt has organized other tribunals on a basis likely to secure to citizens of the United States in their domains the same impartial justice which they now enjoy there under the judicial functions exercised by the minister, consuls, and other functionaries of the United States pursuant to the act of Congress approved the 22d of June, 1860, entitled "An act to carry into effect provisions of the treaties between the United States, China, Persia, and other countries giving certain judicial powers to ministers and consuls or other functionaries of the United States in those countries, and for other purposes," he is hereby authorized to suspend the operations of said acts as to the dominions in which such tribunals may be organized so far as the jurisdiction of said tribunals may embrace matters now cognizable by the minister, consuls, or other functionaries of the United States in said dominions, and to notify the Government of the Sublime Porte, or that of Egypt, or either of them, that the United States during such suspension will, as aforesaid, accept for their citizens the jurisdiction of the tribunals aforesaid over citizens of the United States which has heretofore been exercised by the minister, consuls, or other functionaries of the United States.

And whereas satisfactory information has been received by me that the Government of Egypt has organized other tribunals on a basis likely to secure to citizens of the United States in the dominions subject to such Government the impartial justice which they now enjoy there under the judicial functions exercised by the minister, consul, or other functionaries of the United States pursuant to the said act of Congress approved June 22, 1860:

Now, therefore, I, Ulysses S. Grant, President of the United States of

EARLY MINING SCENES IN COLORADO

EARLY GOLD MINING SCENES IN COLORADO

In 1858 gold was discovered in Colorado. Remembering the similar event of ten years before in California, when early comers made from $50 to $500 a day, the adventurous spirits of the country went prospecting in the hills. The first panel reproduces a photograph of a typical party of gold hunters, while the lower panel reproduces one of a representative pioneer mining camp. The central vignette shows the placer method of mining. Gold containing dirt was carried in buckets to a cradle, where it was thrown on a sieve. A rush of water carried off the pebbles while the dirt and gold particles would fall through the sieve and be retained. The earth would then be allowed to dry, and was separated from the gold dust by blowing it away with the breath.

The article entitled " Gold " in the Encyclopedic Index tells the story of the most precious of metals.

America, by virtue of the power and authority conferred upon me by the said act approved March 23, 1874, do hereby suspend during the pleasure of the President the operation of the said act approved June 22, 1860, as to the said dominions subject to the Government of Egypt in which such tribunals have been organized, so far as the jurisdiction of said tribunals may embrace matters now cognizable by the minister, consuls, or other functionaries of the United States in said dominions, except as to cases actually commenced before the date hereof.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 27th day of March, A. D. 1876, and of the Independence of the United States of America the one hundredth.

U. S. GRANT.

By the President:

HAMILTON FISH,
Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES.

A PROCLAMATION.

Whereas a joint resolution of the Senate and House of Representatives of the United States was duly approved on the 13th day of March last, which resolution is as follows:

> *Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That it be, and is hereby, recommended by the Senate and House of Representatives to the people of the several States that they assemble in their several counties or towns on the approaching centennial anniversary of our national independence, and that they cause to have delivered on such day an historical sketch of said county or town from its formation, and that a copy of said sketch may be filed, in print or manuscript, in the clerk's office of said county, and an additional copy, in print or manuscript, be filed in the office of the Librarian of Congress, to the intent that a complete record may thus be obtained of the progress of our institutions during the first centennial of their existence.

And whereas it is deemed proper that such recommendation be brought to the notice and knowledge of the people of the United States:

Now, therefore, I, Ulysses S. Grant, President of the United States, do hereby declare and make known the same, in the hope that the object of such resolution may meet the approval of the people of the United States and that proper steps may be taken to carry the same into effect.

Given under my hand, at the city of Washington, the 25th day of May,

[SEAL.] A. D. 1876, and of the Independence of the United States the one hundredth.

U. S. GRANT.

By the President:

HAMILTON FISH,
Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

The centennial anniversary of the day on which the people of the United States declared their right to a separate and equal station among the powers of the earth seems to demand an exceptional observance.

The founders of the Government, at its birth and in its feebleness, invoked the blessings and the protection of a Divine Providence, and the thirteen colonies and three millions of people have expanded into a nation of strength and numbers commanding the position which then was asserted and for which fervent prayers were then offered.

It seems fitting that on the occurrence of the hundredth anniversary of our existence as a nation a grateful acknowledgment should be made to Almighty God for the protection and the bounties which He has vouchsafed to our beloved country.

I therefore invite the good people of the United States, on the approaching 4th day of July, in addition to the usual observances with which they are accustomed to greet the return of the day, further, in such manner and at such time as in their respective localities and religious associations may be most convenient, to mark its recurrence by some public religious and devout thanksgiving to Almighty God for the blessings which have been bestowed upon us as a nation during the century of our existence, and humbly to invoke a continuance of His favor and of His protection.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 26th day of June, A. D. 1876, and of the Independence of the United States of America the one hundredth.

U. S. GRANT.

By tne President:

HAMILTON FISH,
Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas the Congress of the United States did, by an act approved on the 3d day of March, 1875, authorize the inhabitants of the Territory of Colorado to form for themselves out of said Territory a State government with the name of the State of Colorado, and for the admission of such State into the Union on an equal footing with the original States upon certain conditions in said act specified; and

Whereas it was provided by said act of Congress that the convention elected by the people of said Territory to frame a State constitution should, when assembled for that purpose and after organization, declare on behalf of the people that they adopt the Constitution of the United States, and should also provide by an ordinance, irrevocable without the consent of the United States and the people of said State, that perfect toleration of religious sentiment shall be secured and that no inhabitant of said State shall ever be molested in person or property on account of his or her mode of religious worship, and that the people inhabiting said Territory do agree and declare that they forever disclaim all right and title to the unappropriated public lands lying within said Territory and that the same shall be and remain at the sole and entire disposition of the United States, and that the lands belonging to citizens of the United States residing without the said State shall never be taxed higher than the lands belonging to residents thereof, and that no taxes shall be imposed by the State on lands or property therein belonging to or which may hereafter be purchased by the United States; and

Whereas it was further provided by said act that the constitution thus formed for the people of the Territory of Colorado should, by an ordinance of the convention forming the same, be submitted to the people of said Territory for ratification or rejection at an election to be held in the month of July, 1876, at which election the lawful voters of said new State should vote directly for or against the proposed constitution, and the returns of said election should be made to the acting governor of the Territory, who, with the chief justice and United States attorney of said Territory, or any two of them, should canvass the same, and, if a majority of legal votes should be cast for said constitution in said proposed State the said acting governor should certify the same to the President of the United States, together with a copy of said constitution and ordinances, whereupon it should be the duty of the President of the United States to issue his proclamation declaring the State admitted into the Union on an equal footing with the original States, without any further action whatever on the part of Congress; and

Whereas it has been certified to me by the acting governor of said Territory of Colorado that within the time prescribed by said act of Congress a constitution for said proposed State has been adopted and the same ratified by a majority of the legal voters of said proposed new State, in accordance with the conditions prescribed by said act of Congress; and

Whereas a duly authenticated copy of said constitution and of the declaration and ordinance required by said act has been received by me:

Now, therefore, I, Ulysses S. Grant, President of the United States of America, do, in accordance with the provisions of the act of Congress aforesaid, declare and proclaim the fact that the fundamental conditions imposed by Congress on the State of Colorado to entitle that State to admission to the Union have been ratified and accepted, and that the admission of the said State into the Union is now complete.

In testimony whereof I have hereunto set my hand and have caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 1st day of August, A. D. 1876, and of the Independence of the United States of America the one hundred and first.

U. S. GRANT.

By the President:

HAMILTON FISH,

Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas by Article V of a convention concluded at Washington upon the 30th day of January, 1875, between the United States of America and His Majesty the King of the Hawaiian Islands it was provided as follows, viz:

> The present convention shall take effect as soon as it shall have been approved and proclaimed by His Majesty the King of the Hawaiian Islands and shall have been ratified and duly proclaimed on the part of the Government of the United States, but not until a law to carry it into operation shall have been passed by the Congress of the United States of America. Such assent having been given and the ratifications of the convention having been exchanged as provided in Article VI, the convention shall remain in force for seven years from the date at which it may come into operation, and, further, until the expiration of twelve months after either of the high contracting parties shall give notice to the other of its wish to terminate the same, each of the high contracting parties being at liberty to give such notice to the other at the end of the said term of seven years or at any time thereafter.

And whereas such convention has been approved and proclaimed by His Majesty the King of the Hawaiian Islands and has been ratified and duly proclaimed on the part of the United States, and a law to carry the same into operation has been passed by the Congress of the United States, and the ratifications of the convention have been exchanged as provided in Article VI thereof; and

Whereas the Acting Secretary of State of the United States and His Majesty's envoy extraordinary and minister plenipotentiary at Washington have recorded in a protocol a conference held by them at Washington on the 9th day of September, 1876, in the following language:

> Whereas it is provided by Article V of the convention between the United States of America and His Majesty the King of the Hawaiian Islands concerning commercial reciprocity, signed at Washington on the 30th day of January, 1875, as follows:
>
> "ART. V. The present convention shall take effect as soon as it shall have been approved and proclaimed by His Majesty the King of the Hawaiian Islands and shall have been ratified and duly proclaimed on the part of the Government of the United States, but not until the law to carry it into operation shall have been passed by the

Congress of the United States of America. Such assent having been given and the ratifications of the convention having been exchanged as provided in Article VI, the convention shall remain in force for seven years from the date at which it may come into operation, and, further, until the expiration of twelve months after either of the high contracting parties shall give notice to the other of its wish to terminate the same, each of the high contracting parties being at liberty to give such notice to the other at the end of the said term of seven years or at any time thereafter;" and

Whereas the said convention has been approved and proclaimed by His Majesty the King of the Hawaiian Islands, and has been ratified and duly proclaimed on the part of the Government of the United States; and

Whereas an act was passed by the Senate and House of Representatives of the United States of America in Congress assembled, entitled "An act to carry into effect a convention between the United States of America and His Majesty the King of the Hawaiian Islands signed on the 30th day of January, 1875," which was approved on the 15th day of August, in the year 1876; and

Whereas an act was passed by the Legislative Assembly of the Hawaiian Islands entitled "An act to carry into effect a convention between His Majesty the King and the United States of America signed at Washington on the 30th day of January, 1875," which was duly approved on the 13th day of July, in the year 1876; and

Whereas the ratifications of the said convention have been exchanged as provided in Article VI:

The undersigned, William Hunter, Acting Secretary of State of the United States of America, and the Hon. Elisha H. Allen, chief justice of the supreme court, chancellor of the Kingdom, member of the privy council of state, and His Majesty's envoy extraordinary and minister plenipotentiary to the United States of America, duly authorized for this purpose by their respective Governments, have met together at Washington, and, having found the said convention has been approved and proclaimed by His Majesty the King of the Hawaiian Islands and has been ratified and duly proclaimed on the part of the Government of the United States, and that the laws required to carry the said treaty into operation have been passed by the Congress of the United States of America on the one part and by the Legislative Assembly of the Hawaiian Islands on the other, hereby declare that the convention aforesaid, concluded between the United States of America and His Majesty the King of the Hawaiian Islands on the 30th day of January, 1875, will take effect on the date hereof.

Now, therefore, I, Ulysses S. Grant, President of the United States of America, in pursuance of the premises, do declare that the said convention has been approved and proclaimed by His Majesty the King of the Hawaiian Islands and been ratified and duly proclaimed on the part of the Government of the United States, and that the necessary legislation has been passed to carry the same into effect, and that the ratifications of the convention have been exchanged as provided in Article VI.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done in the city of Washington, this 9th day of September, A. D. 1876, and of the Independence of the United States of America the one hundred and first.

U. S. GRANT.

By the President:

W. HUNTER,

Acting Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas it has been satisfactorily shown to me that insurrection and domestic violence exist in several counties of the State of South Carolina, and that certain combinations of men against law exist in many counties of said State known as "rifle clubs," who ride up and down by day and night in arms, murdering some peaceable citizens and intimidating others, which combinations, though forbidden by the laws of the State, can not be controlled or suppressed by the ordinary course of justice; and

Whereas it is provided in the Constitution of the United States that the United States shall protect every State in this Union, on application of the legislature, or of the executive (when the legislature can not be convened), against domestic violence; and

Whereas by laws in pursuance of the above it is provided (in the laws of the United States) that in all cases of insurrection in any State or of obstruction to the laws thereof it shall be lawful for the President of the United States, on application of the legislature of such State, or of the executive (when the legislature can not be convened), to call forth the militia of any other State or States, or to employ such part of the land and naval forces as shall be judged necessary, for the purpose of suppressing such insurrection or causing the laws to be duly executed; and

Whereas the legislature of said State is not now in session and can not be convened in time to meet the present emergency, and the executive of said State, under section 4 of Article IV of the Constitution of the United States and the laws passed in pursuance thereof, has therefore made due application to me in the premises for such part of the military force of the United States as may be necessary and adequate to protect said State and the citizens thereof against domestic violence and to enforce the due execution of the laws; and

Whereas it is required that whenever it may be necessary, in the judgment of the President, to use the military force for the purpose aforesaid, he shall forthwith, by proclamation, command such insurgents to disperse and retire peaceably to their respective homes within a limited time:

Now, therefore, I, Ulysses S. Grant, President of the United States, do hereby make proclamation and command all persons engaged in said unlawful and insurrectionary proceedings to disperse and retire peaceably to their respective abodes within three days from this date, and hereafter abandon said combinations and submit themselves to the laws and constituted authorities of said State.

And I invoke the aid and cooperation of all good citizens thereof to uphold the laws and preserve the public peace.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 17th day of October, A. D. 1876, and of the Independence of the United States one hundred and one.

U. S. GRANT.

By the President:

JOHN L. CADWALADER,

Acting Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

From year to year we have been accustomed to pause in our daily pursuits and set apart a time to offer our thanks to Almighty God for the special blessings He has vouchsafed to us, with our prayers for a continuance thereof.

We have at this time equal reason to be thankful for His continued protection and for the many material blessings which His bounty has bestowed.

In addition to these favors accorded to us as individuals, we have especial occasion to express our hearty thanks to Almighty God that by His providence and guidance our Government, established a century ago, has been enabled to fulfill the purpose of its founders in offering an asylum to the people of every race, securing civil and religious liberty to all within its borders, and meting out to every individual alike justice and equality before the law.

It is, moreover, especially our duty to offer our humble prayers to the Father of All Mercies for a continuance of His divine favor to us as a nation and as individuals.

By reason of all these considerations, I, Ulysses S. Grant, President of the United States, do recommend to the people of the United States to devote the 30th day of November next to the expression of their thanks and prayers to Almighty God, and, laying aside their daily avocations and all secular occupations, to assemble in their respective places of worship and observe such day as a day of thanksgiving and rest.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 26th day of October, A. D. 1876, and of the Independence of the United States of America the one hundred and first.

U. S. GRANT.

By the President:

HAMILTON FISH,

Secretary of State.

EXECUTIVE ORDERS.

EXECUTIVE MANSION,
Washington, May 20, 1876.

SIR:* The President directs me to say that the several Departments of the Government will be closed on Tuesday, the 30th instant, to enable the employees to participate in the decoration of the graves of the soldiers who fell during the rebellion.

I am, sir, your obedient servant,

C. C. SNIFFEN, *Secretary.*

WAR DEPARTMENT,
Washington City, August 10, 1876.

By direction of the President, General W. T. Sherman and Brigadier-General M. C. Meigs, Quartermaster-General United States Army, are appointed members of the commission to examine "the whole subject of reform and reorganization of the Army of the United States," as provided by section 4, act approved July 24, 1876, "making appropriations for the support of the Army for the fiscal year ending June 30, 1877, and for other purposes."

J. D. CAMERON, *Secretary of War.*

WASHINGTON, *August 21, 1876.*

It is with extreme pain that the President announces to the people of the United States the death of the Speaker of the House of Representatives, the Hon. Michael C. Kerr, of Indiana.

A man of great intellectual endowments, large culture, great probity and earnestness in his devotion to the public interests, has passed from the position, power, and usefulness to which he had been recently called.

The body over which he had been selected to preside not being in session to render its tribute of affection and respect to the memory of the deceased, the President invites the people of the United States to a solemn recognition of the public and private worth and the services of a pure and eminent character.

U. S. GRANT.

By the President:

JOHN L. CADWALADER, *Acting Secretary of State.*

EXECUTIVE MANSION, *November 23, 1876.*

A joint resolution adopted by Congress August 5, 1876, declares that—

> Whereas it is ascertained that the hostile Indians of the Northwest are largely equipped with arms which require special metallic cartridges, and that such special

---

* Addressed to the heads of the Executive Departments, etc.

ammunition is in large part supplied to such hostile Indians, directly or indirectly, through traders and others in the Indian country: Therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is hereby authorized and requested to take such measures as in his judgment may be necessary to prevent such special metallic ammunition being conveyed to such hostile Indians, and is further authorized to declare the same contraband of war in such district of country as he may designate during the continuance of hostilities.

To carry into effect the above-cited resolution, the sale of fixed ammunition or metallic cartridges by any trader or other person in any district of the Indian country occupied by hostile Indians, or over which they roam, is hereby prohibited; and all such ammunition or cartridges introduced into said country by traders or other persons, and that are liable in any way or manner, directly or indirectly, to be received by such hostile Indians, shall be deemed contraband of war, seized by any military officer and confiscated; and the district of country to which this prohibition shall apply during the continuance of hostilities is hereby designated as that which embraces all Indian country, or country occupied by Indians or subject to their visits, lying within the Territories of Montana, Dakota, and Wyoming and the States of Nebraska and Colorado.

U. S. GRANT.

EIGHTH ANNUAL MESSAGE.

EXECUTIVE MANSION, *December 5, 1876*.

To the Senate and House of Representatives:

In submitting my eighth and last annual message to Congress it seems proper that I should refer to and in some degree recapitulate the events and official acts of the past eight years.

It was my fortune, or misfortune, to be called to the office of Chief Executive without any previous political training. From the age of 17 I had never even witnessed the excitement attending a Presidential campaign but twice antecedent to my own candidacy, and at but one of them was I eligible as a voter.

Under such circumstances it is but reasonable to suppose that errors of judgment must have occurred. Even had they not, differences of opinion between the Executive, bound by an oath to the strict performance of his duties, and writers and debaters must have arisen. It is not necessarily evidence of blunder on the part of the Executive because there are these differences of views. Mistakes have been made, as all can see and I admit, but it seems to me oftener in the selections made of the assistants appointed to aid in carrying out the various duties of administering the

Government—in nearly every case selected without a personal acquaintance with the appointee, but upon recommendations of the representatives chosen directly by the people. It is impossible, where so many trusts are to be allotted, that the right parties should be chosen in every instance. History shows that no Administration from the time of Washington to the present has been free from these mistakes. But I leave comparisons to history, claiming only that I have acted in every instance from a conscientious desire to do what was right, constitutional, within the law, and for the very best interests of the whole people. Failures have been errors of judgment, not of intent.

My civil career commenced, too, at a most critical and difficult time. Less than four years before, the country had emerged from a conflict such as no other nation had ever survived. Nearly one-half of the States had revolted against the Government, and of those remaining faithful to the Union a large percentage of the population sympathized with the rebellion and made an "enemy in the rear" almost as dangerous as the more honorable enemy in the front. The latter committed errors of judgment, but they maintained them openly and courageously; the former received the protection of the Government they would see destroyed, and reaped all the pecuniary advantage to be gained out of the then existing state of affairs, many of them by obtaining contracts and by swindling the Government in the delivery of their goods.

Immediately on the cessation of hostilities the then noble President, who had carried the country so far through its perils, fell a martyr to his patriotism at the hands of an assassin.

The intervening time to my first inauguration was filled up with wranglings between Congress and the new Executive as to the best mode of "reconstruction," or, to speak plainly, as to whether the control of the Government should be thrown immediately into the hands of those who had so recently and persistently tried to destroy it, or whether the victors should continue to have an equal voice with them in this control. Reconstruction, as finally agreed upon, means this and only this, except that the late slave was enfranchised, giving an increase, as was supposed, to the Union-loving and Union-supporting votes. If *free* in the full sense of the word, they would not disappoint this expectation. Hence at the beginning of my first Administration the work of reconstruction, much embarrassed by the long delay, virtually commenced. It was the work of the legislative branch of the Government. My province was wholly in approving their acts, which I did most heartily, urging the legislatures of States that had not yet done so to ratify the fifteenth amendment to the Constitution. The country was laboring under an enormous debt, contracted in the suppression of rebellion, and taxation was so oppressive as to discourage production. Another danger also threatened us—a foreign war. The last difficulty had to be adjusted, and was adjusted without a war and in a manner highly honorable to all parties concerned. Taxes have been reduced within the last seven years nearly $300,000,000, and the national debt has been reduced in the same time over $435,000,000. By refunding the 6 per cent bonded debt for bonds bearing 5 and 4½ per cent interest, respectively, the annual interest has been reduced from over $130,000,000 in 1869 to but little over $100,000,000 in 1876. The balance of trade has been changed from over $130,000,000 against the United States in 1869 to more than $120,000,000 in our favor in 1876.

It is confidently believed that the balance of trade in favor of the United States will increase, not diminish, and that the pledge of Congress to resume specie payments in 1879 will be easily accomplished, even in the absence of much-desired further legislation on the subject.

A policy has been adopted toward the Indian tribes inhabiting a large portion of the territory of the United States which has been humane and has substantially ended Indian hostilities in the whole land except in a portion of Nebraska, and Dakota, Wyoming, and Montana Territories—the Black Hills region and approaches thereto. Hostilities there have grown out of the avarice of the white man, who has violated our treaty stipulations in his search for gold. The question might be asked why the Government has not enforced obedience to the terms of the treaty prohibiting the occupation of the Black Hills region by whites. The answer is simple: The first immigrants to the Black Hills were removed by troops, but rumors of rich discoveries of gold took into that region increased numbers. Gold has actually been found in paying quantity, and an effort to remove the miners would only result in the desertion of the bulk of the troops that might be sent there to remove them. All difficulty in this matter has, however, been removed—subject to the approval of Congress—by a treaty ceding the Black Hills and approaches to settlement by citizens.

The subject of Indian policy and treatment is so fully set forth by the Secretary of the Interior and the Commissioner of Indian Affairs, and my views so fully expressed therein, that I refer to their reports and recommendations as my own.

The relations of the United States with foreign powers continue on a friendly footing.

Questions have arisen from time to time in the foreign relations of the Government, but the United States have been happily free during the past year from the complications and embarrassments which have surrounded some of the foreign powers.

The diplomatic correspondence submitted herewith contains information as to certain of the matters which have occupied the Government.

The cordiality which attends our relations with the powers of the earth has been plainly shown by the general participation of foreign nations in the exhibition which has just closed and by the exertions made by distant powers to show their interest in and friendly feelings toward the United States in the commemoration of the centennial of the nation. The Government and people of the United States have not only fully appreciated this exhibition of kindly feeling, but it may be justly and fairly expected that no small benefits will result both to ourselves and other nations from a better acquaintance, and a better appreciation of our mutual advantages and mutual wants.

Congress at its last session saw fit to reduce the amount usually appropriated for foreign intercourse by withholding appropriations for representatives of the United States in certain foreign countries and for certain consular officers, and by reducing the amounts usually appropriated for certain other diplomatic posts, and thus necessitating a change in the grade of the representatives. For these reasons, immediately upon the passage of the bill making appropriations for the diplomatic and consular service for the present fiscal year, instructions were issued to the representatives of the United States at Bolivia, Ecuador, and Colombia, and to the consular officers for whom no appropriation had been made, to close their respective legations and consulates and cease from the performance of their duties; and in like manner steps were immediately taken to substitute chargés d'affaires for ministers resident in Portugal, Denmark, Greece, Switzerland, and Paraguay.

While thoroughly impressed with the wisdom of sound economy in the foreign service, as in other branches of the Government, I can not escape the conclusion that in some instances the withholding of appropriations will prove an expensive economy, and that the small retrenchment secured by a change of grade in certain diplomatic posts is not an adequate consideration for the loss of influence and importance which will attend our foreign representatives under this reduction. I am of the opinion that a reexamination of the subject will cause a change in some instances in the conclusions reached on these subjects at the last session of Congress.

The Court of Commissioners of Alabama Claims, whose functions were continued by an act of the last session of Congress until the 1st day of January, 1877, has carried on its labors with diligence and general satisfaction. By a report from the clerk of the court, transmitted herewith, bearing date November 14, 1876, it appears that within the time now allowed by law the court will have disposed of all the claims presented for adjudication. This report also contains a statement of the general results of the labors of the court to the date thereof. It is a cause of satisfaction that the method adopted for the satisfaction of the classes of claims submitted to the court, which are of long standing and justly entitled to early consideration, should have proved successful and acceptable.

It is with satisfaction that I am enabled to state that the work of the joint commission for determining the boundary line between the United States and British possessions from the northwest angle of the Lake of the Woods to the Rocky Mountains, commenced in 1872, has been completed. The final agreements of the commissioners, with the maps, have been duly signed, and the work of the commission is complete.

The fixing of the boundary upon the Pacific coast by the protocol of March 10, 1873, pursuant to the award of the Emperor of Germany by Article XXXIV of the treaty of Washington, with the termination of the work of this commission, adjusts and fixes the entire boundary between the United States and the British possessions, except as to the portion of territory ceded by Russia to the United States under the treaty of 1867. The work intrusted to the commissioner and the officers of the Army attached to the commission has been well and satisfactorily performed. The original of the final agreement of the commissioners, signed upon the 29th of May, 1876, with the original official "lists of astronomical stations observed," the original official "list of monuments marking the international boundary line," and the maps, records, and general reports relating to the commission, have been deposited in the Department of State. The official report of the commissioner on the part of the United States, with the report of the chief astronomer of the United States, will be submitted to Congress within a short time.

I reserve for a separate communication to Congress a statement of the condition of the questions which lately arose with Great Britain respecting the surrender of fugitive criminals under the treaty of 1842.

The Ottoman Government gave notice, under date of January 15, 1874, of its desire to terminate the treaty of 1862, concerning commerce and navigation, pursuant to the provisions of the twenty-second article thereof. Under this notice the treaty terminated upon the 5th day of June, 1876. That Government has invited negotiations toward the conclusion of a new treaty.

By the act of Congress of March 23, 1874, the President was authorized, when he should receive satisfactory information that the Ottoman Government or that of Egypt had organized new tribunals likely to secure to citizens of the United States the same impartial justice enjoyed under the exercise of judicial functions by diplomatic and consular officers of the United States, to suspend the operation of the act of June 22, 1860, and to accept for citizens of the United States the jurisdiction of the new tribunals. Satisfactory information having been received of the organization of such new tribunals in Egypt, I caused a proclamation* to be issued upon the 27th of March last, suspending the operation of the act of June 22, 1860, in Egypt, according to the provisions of the act. A copy of the proclamation accompanies this message. The United States has united with the other powers in the organization of these courts. It is hoped that the jurisdictional questions which have arisen may be readily adjusted, and that this advance in judicial reform may be hindered by no obstacles.

---

* See pp. 4344-4345.

The necessary legislation to carry into effect the convention respecting commercial reciprocity concluded with the Hawaiian Islands in 1875 having been had, the proclamation to carry into effect the convention, as provided by the act approved August 15, 1876, was duly issued upon the 9th day of September last. A copy thereof accompanies this message.*

The commotions which have been prevalent in Mexico for some time past, and which, unhappily, seem to be not yet wholly quieted, have led to complaints of citizens of the United States of injuries by persons in authority. It is hoped, however, that these will ultimately be adjusted to the satisfaction of both Governments. The frontier of the United States in that quarter has not been exempt from acts of violence by citizens of one Republic on those of the other. The frequency of these is supposed to be increased and their adjustment made more difficult by the considerable changes in the course of the lower part of the Rio Grande River, which river is a part of the boundary between the two countries. These changes have placed on either side of that river portions of land which by existing conventions belong to the jurisdiction of the Government on the opposite side of the river. The subject of adjustment of this cause of difficulty is under consideration between the two Republics.

The Government of the United States of Colombia has paid the award in the case of the steamer *Montijo*, seized by authorities of that Government some years since, and the amount has been transferred to the claimants.

It is with satisfaction that I am able to announce that the joint commission for the adjustment of claims between the United States and Mexico under the convention of 1868, the duration of which has been several times extended, has brought its labors to a close. From the report of the agent of the United States, which accompanies the papers transmitted herewith, it will be seen that within the time limited by the commission 1,017 claims on the part of citizens of the United States against Mexico were referred to the commission. Of these claims 831 were dismissed or disallowed, and in 186 cases awards were made in favor of the claimants against the Mexican Republic, amounting in the aggregate to $4,125,622.20. Within the same period 998 claims on the part of citizens of the Mexican Republic against the United States were referred to the commission. Of these claims 831 were dismissed or disallowed, and in 167 cases awards were made in favor of the claimants against the United States, amounting in the aggregate to $150,498.41.

By the terms of the convention the amount of these awards is to be deducted from the amount awarded in favor of our citizens against Mexico, and the balance only to be paid by Mexico to the United States, leaving the United States to make provision for this proportion of the awards in favor of its own citizens.

I invite your attention to the legislation which will be necessary to provide for the payment.

---

*See pp. 4348–4349.

In this connection I am pleased to be able to express the acknowledgments due to Sir Edward Thornton, the umpire of the commission, who has given to the consideration of the large number of claims submitted to him much time, unwearied patience, and that firmness and intelligence which are well known to belong to the accomplished representative of Great Britain, and which are likewise recognized by the representative in this country of the Republic of Mexico.

Monthly payments of a very small part of the amount due by the Government of Venezuela to citizens of the United States on account of claims of the latter against that Government continue to be made with reasonable punctuality. That Government has proposed to change the system which it has hitherto pursued in this respect by issuing bonds for part of the amount of the several claims. The proposition, however, could not, it is supposed, properly be accepted, at least without the consent of the holders of certificates of the indebtedness of Venezuela. These are so much dispersed that it would be difficult, if not impossible, to ascertain their disposition on the subject.

In former messages I have called the attention of Congress to the necessity of legislation with regard to fraudulent naturalization and to the subject of expatriation and the election of nationality.

The numbers of persons of foreign birth seeking a home in the United States, the ease and facility with which the honest emigrant may, after the lapse of a reasonable time, become possessed of all the privileges of citizenship of the United States, and the frequent occasions which induce such adopted citizens to return to the country of their birth render the subject of naturalization and the safeguards which experience has proved necessary for the protection of the honest naturalized citizen of paramount importance. The very simplicity in the requirements of law on this question affords opportunity for fraud, and the want of uniformity in the proceedings and records of the various courts and in the forms of the certificates of naturalization issued affords a constant source of difficulty.

I suggest no additional requirements to the acquisition of citizenship beyond those now existing, but I invite the earnest attention of Congress to the necessity and wisdom of some provisions regarding uniformity in the records and certificates, and providing against the frauds which frequently take place and for the vacating of a record of naturalization obtained in fraud.

These provisions are needed in aid and for the protection of the honest citizen of foreign birth, and for the want of which he is made to suffer not infrequently. The United States has insisted upon the right of expatriation, and has obtained, after a long struggle, an admission of the principle contended for by acquiescence therein on the part of many foreign powers and by the conclusion of treaties on that subject. It is, however, but justice to the government to which such naturalized citizens have formerly owed allegiance, as well as to the United States, that certain fixed and definite rules should be adopted governing such cases and providing how expatriation may be accomplished.

While emigrants in large numbers become citizens of the United States, it is also true that persons, both native born and naturalized, once citizens of the United States, either by formal acts or as the effect of a series of facts and circumstances, abandon their citizenship and cease to be entitled to the protection of the United States, but continue on convenient occasions to assert a claim to protection in the absence of provisions on these questions.

And in this connection I again invite your attention to the necessity of legislation concerning the marriages of American citizens contracted abroad, and concerning the status of American women who may marry foreigners and of children born of American parents in a foreign country.

The delicate and complicated questions continually occurring with reference to naturalization, expatriation, and the status of such persons as I have above referred to induce me to earnestly direct your attention again to these subjects.

In like manner I repeat my recommendation that some means be provided for the hearing and determination of the just and subsisting claims of aliens upon the Government of the United States within a reasonable limitation, and of such as may hereafter arise. While by existing provisions of law the Court of Claims may in certain cases be resorted to by an alien claimant, the absence of any general provisions governing all such cases and the want of a tribunal skilled in the disposition of such cases upon recognized fixed and settled principles, either provides no remedy in many deserving cases or compels a consideration of such claims by Congress or the executive department of the Government.

It is believed that other governments are in advance of the United States upon this question, and that the practice now adopted is entirely unsatisfactory.

Congress, by an act approved the 3d day of March, 1875, authorized the inhabitants of the Territory of Colorado to form a State government, with the name of the State of Colorado, and therein provided for the admission of said State, when formed, into the Union upon an equal footing with the original States.

A constitution having been adopted and ratified by the people of that State, and the acting governor having certified to me the facts as provided by said act, together with a copy of such constitution and ordinances as provided for in the said act, and the provisions of the said act of Congress having been duly complied with, I issued a proclamation* upon the 1st of August, 1876, a copy of which is hereto annexed.

The report of the Secretary of War shows that the Army has been actively employed during the year in subduing, at the request of the Indian Bureau, certain wild bands of the Sioux Indian Nation and in preserving the peace at the South during the election. The commission constituted under the act of July 24, 1876, to consider and report on the "whole subject of the reform and reorganization of the Army" met in August last, and has collected a large mass of statistics and opinions bearing on the subject before it. These are now under consideration, and their report is progressing. I am advised, though, by the president of the commission that it will be impracticable to comply with the clause of the act requiring the report to be presented, through me, to Congress on the first day of this session, as there has not yet been time for that mature deliberation which the importance of the subject demands. Therefore I ask that the time of making the report be extended to the 29th day of January, 1877.

---

*See pp. 4346–4348.

In accordance with the resolution of August 15, 1876, the Army regulations prepared under the act of March 1, 1875, have not been promulgated, but are held until after the report of the above-mentioned commission shall have been received and acted on.

By the act of August 15, 1876, the cavalry force of the Army was increased by 2,500 men, with the proviso that they should be discharged on the expiration of hostilities. Under this authority the cavalry regiments have been strengthened, and a portion of them are now in the field pursuing the remnants of the Indians with whom they have been engaged during the summer.

The estimates of the War Department are made up on the basis of the number of men authorized by law, and their requirements as shown by years of experience, and also with the purpose on the part of the bureau officers to provide for all contingencies that may arise during the time for which the estimates are made. Exclusive of engineer estimates (presented in accordance with acts of Congress calling for surveys and estimates for improvements at various localities), the estimates now presented are about six millions in excess of the appropriations for the years 1874–75 and 1875–76. This increase is asked in order to provide for the increased cavalry force (should their services be necessary), to prosecute economically work upon important public buildings, to provide for armament of fortifications and manufacture of small arms, and to replenish the working stock in the supply departments. The appropriations for these last named have for the past few years been so limited that the accumulations in store will be entirely exhausted during the present year, and it will be necessary to at once begin to replenish them.

I invite your special attention to the following recommendations of the Secretary of War:

First. That the claims under the act of July 4. 1864, for supplies taken by the Army during the war be removed from the offices of the Quartermaster and Commissary Generals and transferred to the Southern Claims Commission. These claims are of precisely similar nature to those now before the Southern Claims Commission, and the War Department bureaus have not the clerical force for their examination nor proper machinery for investigating the loyalty of the claimants.

Second. That Congress sanction the scheme of an annuity fund for the benefit of the families of deceased officers, and that it also provide for the permanent organization of the Signal Service, both of which were recommended in my last annual message.

Third. That the manufacturing operations of the Ordnance Department be concentrated at three arsenals and an armory, and that the remaining arsenals be sold and the proceeds applied to this object by the Ordnance Department.

The appropriations for river and harbor improvements for the current year were $5,015,000. With my approval, the Secretary of War directed that of this amount $2,000,000 should be expended, and no new works should be begun and none prosecuted which were not of national importance. Subsequently this amount was increased to $2,237,600, and the works are now progressing on this basis.

The improvement of the South Pass of the Mississippi River, under James B. Eads and his associates, is progressing favorably. At the present time there is a channel of 20.3 feet in depth between the jetties at the mouth of the pass and 18.5 feet at the head of the pass. Neither channel, however, has the width required before payments can be made by the United States. A commission of engineer officers is now examining these works, and their reports will be presented as soon as received.

The report of the Secretary of the Navy shows that branch of the service to be in condition as effective as it is possible to keep it with the means and authority given the Department. It is, of course, not possible to rival the costly and progressive establishments of great European powers with the old material of our Navy, to which no increase has been authorized since the war, except the eight small cruisers built to supply the place of others which had gone to decay. Yet the most has been done that was possible with the means at command; and by substantially rebuilding some of our old ships with durable material and completely repairing and refitting our monitor fleet the Navy has been gradually so brought up that, though it does not maintain its relative position among the progressive navies of the world, it is now in a condition more powerful and effective than it ever has been in time of peace.

The complete repairs of our five heavy ironclads are only delayed on account of the inadequacy of the appropriations made last year for the working bureaus of the Department, which were actually less in amount than those made before the war, notwithstanding the greatly enhanced price of labor and materials and the increase in the cost of the naval service growing out of the universal use and great expense of steam machinery. The money necessary for these repairs should be provided at once, that they may be completed without further unnecessary delay and expense.

When this is done, all the strength that there is in our Navy will be developed and useful to its full capacity, and it will be powerful for purposes of defense, and also for offensive action, should the necessity for that arise within a reasonable distance from our shores.

The fact that our Navy is not more modern and powerful than it is has been made a cause of complaint against the Secretary of the Navy by persons who at the same time criticise and complain of his endeavors to bring the Navy that we have to its best and most efficient condition; but the good sense of the country will understand that it is really due to his practical action that we have at this time any effective naval force at command.

The report of the Postmaster-General shows the excess of expenditures (excluding expenditures on account of previous years) over receipts for the fiscal year ended June 30, 1876, to be $4,151,988.66.

Estimated expenditures for the fiscal year ending June 30, 1878, are $36,723,432.43.

Estimated revenue for same period is $30,645,165, leaving estimated excess of expenditure, to be appropriated as a deficiency, of $6,078,267.43.

The Postmaster-General, like his predecessor, is convinced that a change in the basis of adjusting the salaries of postmasters of the fourth class is necessary for the good of the service as well as for the interests of the Government, and urgently recommends that the compensation of the class of postmasters above mentioned be based upon the business of their respective offices, as ascertained from the sworn returns to the Auditor of stamps canceled.

A few postmasters in the Southern States have expressed great apprehension of their personal safety on account of their connection with the postal service, and have specially requested that their reports of apprehended danger should not be made public lest it should result in the loss of their lives. But no positive testimony of interference has been submitted, except in the case of a mail messenger at Spartanburg, in South Carolina, who reported that he had been violently driven away while in charge of the mails on account of his political affiliations. An assistant superintendent of the Railway Mail Service investigated this case and reported that the messenger had disappeared from his post, leaving his work to be performed by a substitute. The Postmaster-General thinks this case is sufficiently suggestive to justify him in recommending that a more severe punishment should be provided for the offense of assaulting any person in charge of the mails or of retarding or otherwise obstructing them by threats of personal injury.

"A very gratifying result is presented in the fact that the deficiency of this Department during the last fiscal year was reduced to $4,081,790.18, as against $6,169,938.88 of the preceding year. The difference can be traced to the large increase in its ordinary receipts (which greatly exceed the estimates therefor) and a slight decrease in its expenditures."

The ordinary *receipts* of the Post-Office Department for the past seven fiscal years have increased at an average of over 8 per cent per annum, while the increase of *expenditures* for the same period has been but about 5.50 per cent per annum, and the *decrease* of *deficiency* in the revenues has been at the rate of nearly 2 per cent per annum.

The report of the Commissioner of Agriculture accompanying this message will be found one of great interest, marking, as it does, the great progress of the last century in the variety of products of the soil; increased knowledge and skill in the labor of producing, saving, and manipulating the same to prepare them for the use of man; in the improvements in machinery to aid the agriculturist in his labors, and in a knowledge of those scientific subjects necessary to a thorough system of economy in agricultural production, namely, chemistry, botany, entomology, etc. A study of this report by those interested in agriculture and deriving their support from it will find it of value in pointing out those articles which are raised in greater quantity than the needs of the world require, and must sell, therefore, for less than the cost of production, and those which command a profit over cost of production because there is not an overproduction.

I call special attention to the need of the Department for a new gallery for the reception of the exhibits returned from the Centennial Exhibition, including the exhibits donated by very many foreign nations, and to the recommendations of the Commissioner of Agriculture generally.

The reports of the District Commissioners and the board of health are just received—too late to read them and to make recommendations thereon—and are herewith submitted.

The international exhibition held in Philadelphia this year, in commemoration of the one hundredth anniversary of American independence, has proven a great success, and will, no doubt, be of enduring advantage to the country. It has shown the great progress in the arts, sciences, and mechanical skill made in a single century, and demonstrated that we are but little behind older nations in any one branch, while in some we scarcely have a rival. It has served, too, not only to bring peoples and products of skill and labor from all parts of the world together, but in bringing together people from all sections of our own country, which must prove a great benefit in the information imparted and pride of country engendered.

It has been suggested by scientists interested in and connected with the Smithsonian Institution, in a communication herewith, that the Government exhibit be removed to the capital and a suitable building be erected or purchased for its accommodation as a permanent exhibit. I earnestly recommend this; and believing that Congress would second this view, I directed that all Government exhibits at the Centennial Exhibition should remain where they are, except such as might be injured by remaining in a building not intended as a protection in inclement weather, or such as may be wanted by the Department furnishing them, until the question of permanent exhibition is acted on.

Although the moneys appropriated by Congress to enable the participation of the several Executive Departments in the International Exhibition of 1876 were not sufficient to carry out the undertaking to the full extent at first contemplated, it gives me pleasure to refer to the very efficient and creditable manner in which the board appointed from these several Departments to provide an exhibition on the part of the Government have discharged their duties with the funds placed at their command. Without a precedent to guide them in the preparation of such a display, the success of their labors was amply attested by the sustained attention which the contents of the Government building attracted during the period of the exhibition from both foreign and native visitors.

I am strongly impressed with the value of the collection made by the Government for the purposes of the exhibition, illustrating, as it does, the mineral resources of the country, the statistical and practical evidences of our growth as a nation, and the uses of the mechanical arts and the applications of applied science in the administration of the affairs of Government.

Many nations have voluntarily contributed their exhibits to the United States to increase the interest in any permanent exhibition Congress may provide for. For this act of generosity they should receive the thanks of the people, and I respectfully suggest that a resolution of Congress to that effect be adopted.

The attention of Congress can not be too earnestly called to the necessity of throwing some greater safeguard over the method of choosing and declaring the election of a President. Under the present system there seems to be no provided remedy for contesting the election in any one State. The remedy is partially, no doubt, in the enlightenment of electors. The compulsory support of the free school and the disfranchisement of all who can not read and write the English language, after a fixed probation, would meet my hearty approval. I would not make this apply, however, to those already voters, but I would to all becoming so after the expiration of the probation fixed upon. Foreigners coming to this country to become citizens, who are educated in their own language, should acquire the requisite knowledge of ours during the necessary residence to obtain naturalization. If they did not take interest enough in our language to acquire sufficient knowledge of it to enable them to study the institutions and laws of the country intelligently, I would not confer upon them the right to make such laws nor to select those who do.

I append to this message, for convenient reference, a synopsis of administrative events and of all recommendations to Congress made by me during the last seven years. Time may show some of these recommendations not to have been wisely conceived, but I believe the larger part will do no discredit to the Administration. One of these recommendations met with the united opposition of one political party in the Senate and with a strong opposition from the other, namely, the treaty for the annexation of Santo Domingo to the United States, to which I will specially refer, maintaining, as I do, that if my views had been concurred in the country would be in a more prosperous condition to-day, both politically and financially.

Santo Domingo is fertile, and upon its soil may be grown just those tropical products of which the United States use so much, and which are produced or prepared for market now by slave labor almost exclusively, namely, sugar, coffee, dyewoods, mahogany, tropical fruits, tobacco, etc. About 75 per cent of the exports of Cuba are consumed in the United States. A large percentage of the exports of Brazil also find the same market. These are paid for almost exclusively in coin, legislation, particularly in Cuba, being unfavorable to a mutual exchange of the products of each country. Flour shipped from the Mississippi River to Havana can pass by the very entrance to the city on its way to a port in Spain. there pay a duty fixed upon articles to be reexported, transferred to a Spanish vessel and brought back almost to the point of starting, paying a second duty, and still leave a profit over what would be received by direct shipment. All that is produced in Cuba could be produced in Santo Domingo. Being a part of the United States, commerce between the island and mainland would be free. There would be no export duties on her shipments nor import duties on those coming here. There would be no import duties upon the supplies, machinery, etc., going from the States. The effect that would have been produced upon Cuban commerce, with these advantages to a rival, is observable at a glance. The Cuban question would have been settled long ago in favor of "free Cuba." Hundreds of American vessels would now be advantageously used in transporting the valuable woods and other products of the soil of the island to a market and in carrying supplies and emigrants to it. The island is but sparsely settled, while it has an area sufficient for the profitable employment of several millions of people. The soil would have soon fallen into the hands of United States capitalists. The products are so valuable in commerce that emigration there would have been encouraged; the emancipated race of the South would have found there a congenial home, where their civil rights would not be disputed and where their labor would be so much sought after that the poorest among them could have found the means to go. Thus in cases of great oppression and cruelty, such as has been practiced upon them in many places within the last eleven years, whole communities would have sought refuge in Santo Domingo. I do not suppose the whole race would have gone, nor is it desirable that they should go. Their labor is desirable—indispensable almost—where they now are. But the possession of this territory would have left the negro "master of the situation," by enabling him to demand his rights at home on pain of finding them elsewhere.

I do not present these views now as a recommendation for a renewal of the subject of annexation, but I do refer to it to vindicate my previous action in regard to it.

With the present term of Congress my official life terminates. It is not probable that public affairs will ever again receive attention from me further than as a citizen of the Republic, always taking a deep interest in the honor, integrity, and prosperity of the whole land.

U. S. GRANT.

SPECIAL MESSAGES.

EXECUTIVE MANSION, *December 6, 1876.*

To the Senate and House of Representatives:

I have the honor to transmit herewith a letter (accompanied by testimony) addressed to me by Hon. John Sherman and other distinguished citizens, in regard to the canvass of the vote for electors in the State of Louisiana.

U. S. GRANT.

EXECUTIVE MANSION, *December 14, 1876.*

To the House of Representatives:

In answer to a resolution of the 7th instant of the House of Representatives, asking to be informed whether any, and what, negotiations have or are being made with the Sioux Indians for their removal to the Indian Territory, and under what authority the same has been and is being done, I submit herewith a report received from the Secretary of the Interior, which contains, it is believed, all the information in possession of his Department touching the matter of the resolution.

U. S. GRANT.

EXECUTIVE MANSION, *December 14, 1876.*

To the Senate of the United States:

In answer to the resolution of the Senate of the 6th instant, requesting information "as to whether troops of the United States were stationed at the city of Petersburg, in the State of Virginia, on the 7th of November, 1876, and, if so, under what authority and for what purpose," I submit the inclosed letters from the Secretary of War, to whom the resolution was referred, together with the report of the General of the Army and accompanying papers.

These inclosures will give all the information called for by the resolution, and I confidently believe will justify the action taken. It is well understood that the presence of United States troops at polling places never prevented the free exercise of the franchise by any citizen, of whatever political faith. If, then, they have had any effect whatever upon the ballot cast, it has been to insure protection to the citizen casting it, in giving it to the candidate of his unbiased choice, without fear, and thus securing the very essence of liberty. It may be the presence of twenty-four United States soldiers, under the command of a captain and lieutenant, quartered in the custom-house at Petersburg, Va., on the 7th of November, at a considerable distance from any polling place, without any interference on their part whatever, and without going near the polls during the election, *may have secured a different result from what would have been obtained if they had not been there* (to maintain the peace in case of riot) *on the face of the returns;* but if such is the case it is only proof that in this one Congressional district in the State of Virginia the legal and constitutional voters have been able to return as elected the candidate of their choice.

U. S. GRANT.

EXECUTIVE MANSION, *December 22, 1876.*

To the Senate and House of Representatives:

I have the honor to transmit herewith a letter, submitted by the Secretary of the Interior, from the Commissioner of Indian Affairs, accompanied by the report and journal of proceedings of the commission appointed on the 24th day of August last to obtain certain concessions from the Sioux Indians, in accordance with the provisions contained in the Indian appropriation act for the current fiscal year.

I ask your special consideration of these articles of agreement, as among other advantages to be gained by them is the clear right of citizens to go into a country of which they have taken possession and from which they can not be excluded.

U. S. GRANT.

EXECUTIVE MANSION, *December 22, 1876.*

To the Senate and House of Representatives:

I have the honor to transmit herewith a report (and papers which accompanied it) of the progress of the work committed to their charge, addressed to me by the commissioners appointed under the act of Congress approved July 19, 1876, authorizing the repavement of Pennsylvania avenue.

U. S. GRANT.

WASHINGTON, *December 23, 1876.*

To the House of Representatives:

When Congress adjourned in August last the execution of the extradition article of the treaty of 1842 between the United States and Great Britain had been interrupted.

The United States had demanded of Her Majesty's Government the surrender of certain fugitives from justice charged with crimes committed within the jurisdiction of the United States, who had sought asylum and were found within the territories of Her British Majesty, and had, in due compliance with the requirements of the treaty, furnished the evidence of the criminality of the fugitives, which had been found sufficient to justify their apprehension and commitment for trial, as required by the treaty, and the fugitives were held and committed for extradition.

Her Majesty's Government, however, demanded from the United States certain assurances or stipulations as a condition for the surrender of these fugitives.

As the treaty contemplated no such conditions to the performance of the obligations which each Government had assumed, the demand for stipulations on the part of this Government was repelled.

Her Majesty's Government thereupon, in June last, released two of the fugitives (Ezra D. Winslow and Charles J. Brent), and subsequently released a third (one William E. Gray), and, refusing to surrender, set them at liberty.

In a message to the two Houses of Congress on the 20th day of June last, in view of the condition of facts as above referred to, I said:

> The position thus taken by the British Government, if adhered to, can not but be regarded as the abrogation and annulment of the article of the treaty on extradition.
>
> Under these circumstances it will not, in my judgment, comport with the dignity or self-respect of this Government to make demands upon that Government for the surrender of fugitive criminals, nor to entertain any requisition of that character from that Government under the treaty.

Article XI of the treaty of 1842 provided that "the tenth article [that relating to extradition] should continue in force until one or the other of the parties should signify its wish to terminate it, and no longer."

In view, however, of the great importance of an extradition treaty, especially between two states as intimately connected in commercial and social relations as are the United States and Great Britain, and in the hope that Her Majesty's Government might yet reach a different decision from that then attained, I abstained from recommending any action by Congress terminating the extradition article of the treaty. I have, however, declined to take any steps under the treaty toward extradition.

It is with great satisfaction that I am able now to announce to Congress and to the country that by the voluntary act of Her Majesty's Government the obstacles which had been interposed to the execution of the extradition article of the treaty have been removed.

On the 27th of October last Her Majesty's representative at this capital, under instructions from Lord Derby, informed this Government that Her Majesty's Government would be prepared, as a temporary measure, until a new extradition treaty can be concluded, to put in force all powers vested in it for the surrender of accused persons to the Government of the United States under the treaty of 1842, without asking for any engagement as to such persons not being tried in the United States for other than the offenses for which extradition had been demanded.

I was happy to greet this announcement as the removal of the obstacles which had arrested the execution of the extradition treaty between the two countries.

In reply to the note of Her Majesty's representative, after referring to the applications heretofore made by the United States for the surrender of the fugitives referred to in the correspondence which was laid before Congress at its last session, it was stated that on an indication of readiness to surrender these persons an agent would be authorized to receive them, and I would be ready to respond to requisitions which may be made on the part of Her Majesty's Government under the tenth article of the treaty of 1842, which I would then regard as in full force until such time as either Government shall avail itself of the right to terminate it provided by the eleventh article, or until a more comprehensive arrangement can be reached between the two Governments in regard to the extradition of criminals—an object to which the attention of this Government would gladly be given, with an earnest desire for a mutually satisfactory result.

A copy of the correspondence between Her Majesty's representative at this capital and the Secretary of State on the subject is transmitted herewith.

It is with great satisfaction that I have now to announce that Her Majesty's Government, while expressing its desire not to be understood to recede from the interpretation which in its previous correspondence it has put upon the treaty, but having regard to the prospect of a new treaty and the power possessed by either party of spontaneously denouncing the old one, caused the rearrest on the 4th instant of Brent, one of the fugitives who had been previously discharged, and, after awaiting the requisite time within which the fugitive is entitled to appeal or to apply for his discharge, on the 21st instant surrendered him to the agent appointed on behalf of this Government to receive and to convey him to the United States.

Her Majesty's Government has expressed an earnest desire to rearrest and to deliver up Winslow and Gray, the other fugitives who had been arrested and committed on the requisition of the United States, but were released because of the refusal of the United States to give the assurances and stipulations then required by Great Britain. These persons, however, are believed to have escaped from British jurisdiction; a diligent search has failed to discover them.

As the surrender of Brent without condition or stipulation of any kind being asked removes the obstacle which interrupted the execution of the treaty, I shall no longer abstain from making demands upon Her Majesty's Government for the surrender of fugitive criminals, nor from entertaining requisitions of that character from that Government under the treaty of 1842, but will again regard the treaty as operative, hoping to be able before long to conclude with Her Majesty's Government a new treaty of a broader and more comprehensive nature.

U. S. GRANT.

WASHINGTON, *January 8, 1877.*

To the House of Representatives:

In answer to the resolution of the House of Representatives of the 19th ultimo, I transmit herewith the report of the Secretary of State, together with the papers* which accompanied it.

U. S. GRANT.

[For message of January 12, 1877, withdrawing objections to Senate bill No. 561, see pp. 4343-4344.]

EXECUTIVE MANSION, *January 12, 1877.*

To the House of Representatives:

In reply to a resolution of inquiry dated December 23, 1876, of the House of Representatives, respecting the expenditure of certain moneys appropriated by the act of August 14, 1876, for river and harbor improvements, I have the honor to transmit herewith, for your information, a report and accompanying papers received from the Secretary of War, to whom the resolution was referred.

U. S. GRANT.

EXECUTIVE MANSION, *January 15, 1877.*

To the House of Representatives:

The joint resolution authorizing the Secretary of War to supply blankets to the Reform School in the District of Columbia is before me.

I am in entire sympathy with the purpose of the resolution, but before taking any action upon it I deem it my duty to submit for your consideration the accompanying letter, received from the Secretary of War, embodying a report, made in anticipation of the passage of the resolution, by the Quartermaster-General of the Army, in which, among other facts, it is stated that—

> The appropriation for clothing for the Army for this fiscal year is much smaller than usual, and the supply of blankets which it will allow us to purchase is so small that none can properly be spared for other purposes than the supply of the Army.
>
> If it be thought by Congress worth while to cause the supply of blankets for the institution referred to to be procured through the War Department, it is respectfully suggested that provision to meet the expense be made by special appropriation.

U. S. GRANT.

---

*Correspondence relative to the Venezuelan mixed commission held under the convention of April 25, 1866, for the settlement of claims against Venezuela.

EXECUTIVE MANSION, *January 19, 1877.*

To the House of Representatives:

At the request of the Attorney-General, I have the honor to transmit herewith a report in answer to the resolution of the House adopted on the 1st of August, 1876, relative to certain matters occurring in the administration of the provisional government of the District of Columbia, and chiefly affecting the Commissioners and the late board of audit.

U. S. GRANT.

WASHINGTON, *January 20, 1877.*

To the Senate of the United States:

Herewith I transmit a report from the Secretary of State, with accompanying papers, relating to the Court of Commissioners of Alabama Claims.

U. S. GRANT.

EXECUTIVE MANSION, *January 22, 1877.*

To the House of Representatives:

In answer to the resolution of the House of Representatives of the 8th of December last, inquiring whether any increase in the cavalry force of the army on the Mexican frontier of Texas has been made, as authorized by the act of July 24, 1876, and whether any troops have been removed from the frontier of Texas and from the post of Fort Sill, on the Kiowa and Comanche Reservation, and whether, if so, their places have been supplied by other forces, I have the honor to transmit a report received from the Secretary of War.

U. S. GRANT.

EXECUTIVE MANSION, *January 22, 1877.*

To the House of Representatives:

On the 9th day of December, 1876, the following resolution of the House of Representatives was received, namely:

> *Resolved*, That the President be requested, if not incompatible with the public interest, to transmit to this House copies of any and all orders or directions emanating from him or from either of the Executive Departments of the Government to any military commander or civil officer with reference to the service of the Army, or any portion thereof, in the States of Virginia, South Carolina, Louisiana, and Florida since the 1st of August last, together with reports by telegraph or otherwise from either or any of said military commanders or civil officers.

It was immediately or soon thereafter referred to the Secretary of War and the Attorney-General, the custodians of all retained copies of "orders or directions" given by the Executive Departments of the Government covered by the above inquiry, together with all information upon which such "orders or directions" were given.

The information, it will be observed, is voluminous, and, with the limited clerical force in the Department of Justice, has consumed the time up to the present. Many of the communications accompanying this have been already made public in connection with messages heretofore sent to Congress. This class of information includes the important documents received from the governor of South Carolina and sent to Congress with my message on the subject of the Hamburg massacre; also the documents accompanying my response to the resolution of the House of Representatives in regard to the soldiers stationed at Petersburg.

There have also come to me and to the Department of Justice, from time to time, other earnest written communications from persons holding public trusts and from others residing in the South, some of which I append hereto as bearing upon the precarious condition of the public peace in those States. These communications I have reason to regard as made by respectable and responsible men. Many of them deprecate the publication of their names as involving danger to them personally.

The reports heretofore made by committees of Congress of the results of their inquiries in Mississippi and Louisiana, and the newspapers of several States recommending "the Mississippi plan," have also furnished important data for estimating the danger to the public peace and order in those States.

It is enough to say that these different kinds and sources of evidence have left no doubt whatever in my mind that intimidation has been used, and actual violence, to an extent requiring the aid of the United States Government, where it was practicable to furnish such aid, in South Carolina, in Florida, and in Louisiana, as well as in Mississippi, in Alabama, and in Georgia.

The troops of the United States have been but sparingly used, and in no case so as to interfere with the free exercise of the right of suffrage. Very few troops were available for the purpose of preventing or suppressing the violence and intimidation existing in the States above named. In no case, except that of South Carolina, was the number of soldiers in any State increased in anticipation of the election, saving that twenty-four men and an officer were sent from Fort Foote to Petersburg, Va., where disturbances were threatened prior to the election.

No troops were stationed at the voting places. In Florida and in Louisiana, respectively, the small number of soldiers already in the said States were stationed at such points in each State as were most threatened with violence, where they might be available as a posse for the officer whose duty it was to preserve the peace and prevent intimidation of voters. Such a disposition of the troops seemed to me reasonable and justified by law and precedent, while its omission would have been inconsistent with the constitutional duty of the President of the United States "to take care that the laws be faithfully executed." The statute expressly forbids the bringing of troops to the polls "except where it is necessary to keep the peace," implying that to keep the peace it may be done. But this even, so far as I am advised, has not in any case been done. The stationing of a company or part of a company in the vicinity, where they would be available to prevent riot, has been the only use made of troops prior to and at the time of the elections. Where so stationed, they could be called in an emergency requiring it by a marshal or deputy marshal as a posse to aid in suppressing unlawful violence. The evidence which has come to me has left me no ground to doubt that if there had been more military force available it would have been my duty to have disposed of it in several States with a view to the prevention of the violence and intimidation which have undoubtedly contributed to the defeat of the election law in Mississippi, Alabama, and Georgia, as well as in South Carolina, Louisiana, and Florida.

By Article IV, section 4, of the Constitution—

> The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion, and on application of the legislature, or of the executive (when the legislature can not be convened), against domestic violence.

By act of Congress (U. S. Revised Statutes, secs. 1034, 1035) the President, in case of "insurrection in any State" or of "unlawful obstruction to the enforcement of the laws of the United States by the ordinary course of judicial proceedings," or whenever "domestic violence in any State so obstructs the execution of the laws thereof and of the United States as to deprive any portion of the people of such State" of their civil or political rights, is authorized to employ such parts of the land and naval forces as he may deem necessary to enforce the execution of the laws and preserve the peace and sustain the authority of the State and of the United States. Acting under this title (69) of the Revised Statutes United States, I accompanied the sending of troops to South Carolina with a proclamation* such as is therein prescribed.

The President is also authorized by act of Congress "to employ such part of the land or naval forces of the United States * * * as shall be necessary to prevent the violation and to enforce the due execution of the provisions" of title 24 of the Revised Statutes of the United States, for the protection of the civil rights of citizens, among which is the provision against conspiracies "to prevent, by force, intimidation, or threat, any citizen who is lawfully entitled to vote from giving his support or advocacy in a legal manner toward or in favor of the election of any lawfully qualified person as an elector for President or Vice-President or as a member of Congress of the United States." (U. S. Revised Statutes, sec. 1989.)

In cases falling under this title I have not considered it necessary to issue a proclamation to precede or accompany the employment of such part of the Army as seemed to be necessary.

---

*See pp. 4350-4357.

In case of insurrection against a State government or against the Government of the United States a proclamation is appropriate; but in keeping the peace of the United States at an election at which Members of Congress are elected no such call from the State or proclamation by the President is prescribed by statute or required by precedent.

In the case of South Carolina insurrection and domestic violence against the State government were clearly shown, and the application of the governor founded thereon was duly presented, and I could not deny his constitutional request without abandoning my duty as the Executive of the National Government.

The companies stationed in the other States have been employed to secure the better execution of the laws of the United States and to preserve the peace of the United States.

After the election had been had, and where violence was apprehended by which the returns from the counties and precincts might be destroyed, troops were ordered to the State of Florida, and those already in Louisiana were ordered to the points in greatest danger of violence.

I have not employed troops on slight occasions, nor in any case where it has not been necessary to the enforcement of the laws of the United States. In this I have been guided by the Constitution and the laws which have been enacted and the precedents which have been formed under it.

It has been necessary to employ troops occasionally to overcome resistance to the internal-revenue laws from the time of the resistance to the collection of the whisky tax in Pennsylvania, under Washington, to the present time.

In 1854, when it was apprehended that resistance would be made in Boston to the seizure and return to his master of a fugitive slave, the troops there stationed were employed to enforce the master's right under the Constitution, and troops stationed at New York were ordered to be in readiness to go to Boston if it should prove to be necessary.

In 1859, when John Brown, with a small number of men, made his attack upon Harpers Ferry, the President ordered United States troops to assist in the apprehension and suppression of him and his party without a formal call of the legislature or governor of Virginia and without proclamation of the President.

Without citing further instances in which the Executive has exercised his power, as Commander of the Army and Navy, to prevent or suppress resistance to the laws of the United States, or where he has exercised like authority in obedience to a call from a State to suppress insurrection, I desire to assure both Congress and the country that it has been my purpose to administer the executive powers of the Government fairly, and in no instance to disregard or transcend the limits of the Constitution.

U. S. GRANT.

WASHINGTON, *January 23, 1877.*

To the Senate of the United States:

I transmit, in answer to a resolution of the Senate of the 16th instant a report of the Secretary of State, with its accompanying papers.*

U. S. GRANT.

WASHINGTON, *January 25, 1877.*

To the Senate of the United States:

I transmit to the Senate, for consideration with a view to ratification, a treaty between the United States and His Majesty the King of Spain, in relation to the extradition of criminals, signed on the 5th of January, 1877.

U. S. GRANT.

EXECUTIVE MANSION, *January 29, 1877.*

To the Senate and House of Representatives:

I have the honor to transmit herewith the proceedings of the commission appointed to examine "the whole subject of reform and reorganization of the Army of the United States," under the provisions of the act of Congress approved July 24, 1876.

The commission report that so fully has their time been occupied by other important duties that they are not at this time prepared to submit a plan or make proper recommendations.

U. S. GRANT.

EXECUTIVE MANSION, *January 29, 1877.*

To the House of Representatives:

I have the honor to transmit herewith reports and accompanying papers received from the Secretaries of State and War, in answer to the resolution of the House of Representatives of the 9th instant, relative "to the imprisonment and detention by the Mexican authorities at Matamoras of John Jay Smith, an American citizen, and also to the wounding and robbing by Mexican soldiers at New Laredo of Dr. Samuel Huggins, an American citizen."

U. S. GRANT.

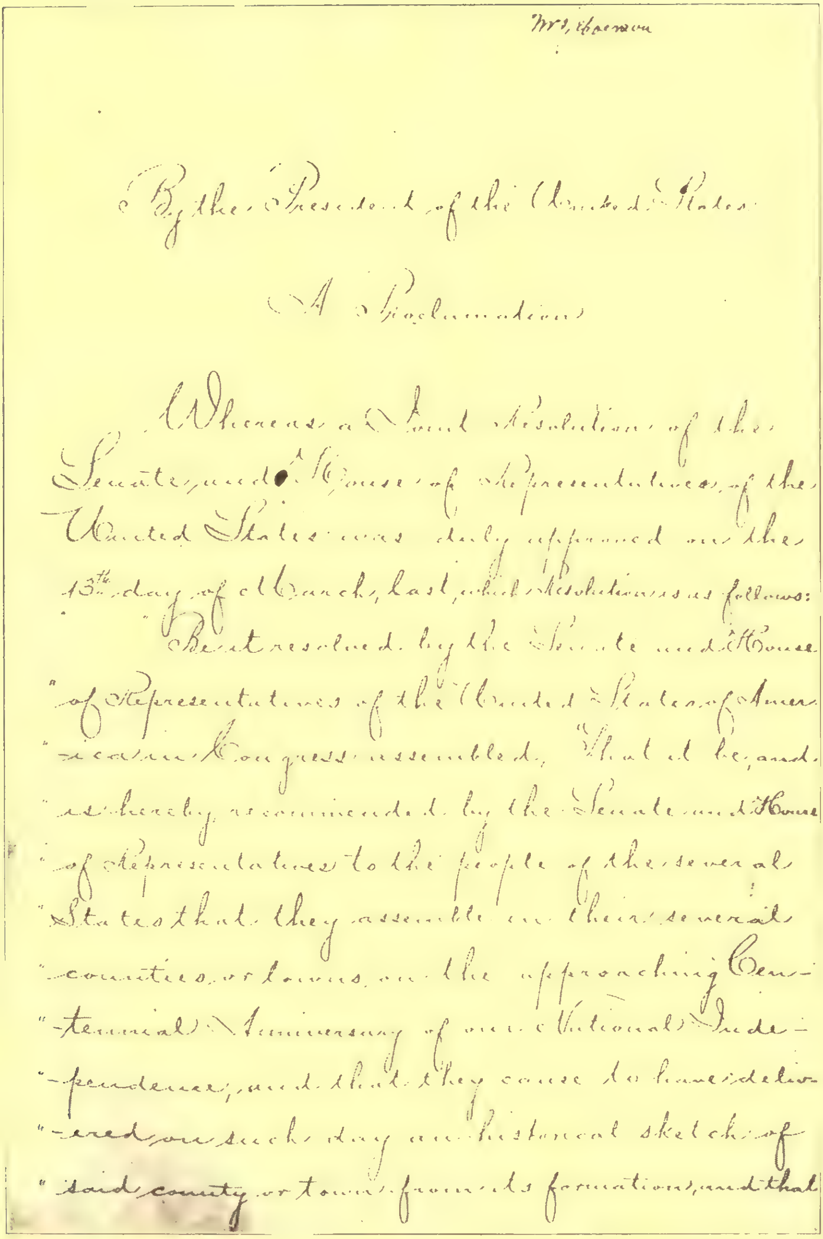
EXECUTIVE MANSION, *January 29, 1877.*

To the Senate of the United States:

I follow the example heretofore occasionally permitted of communicating in this mode my approval of the "act to provide for and regulate the counting of votes for President and Vice-President, and the decision of questions arising thereon, for the term commencing March 4, A. D. 1877," because of my appreciation of the imminent peril to the institutions of

---

*Correspondence with diplomatic officers of the United States in Turkey relative to atrocities and massacres by Turks in Bulgaria.



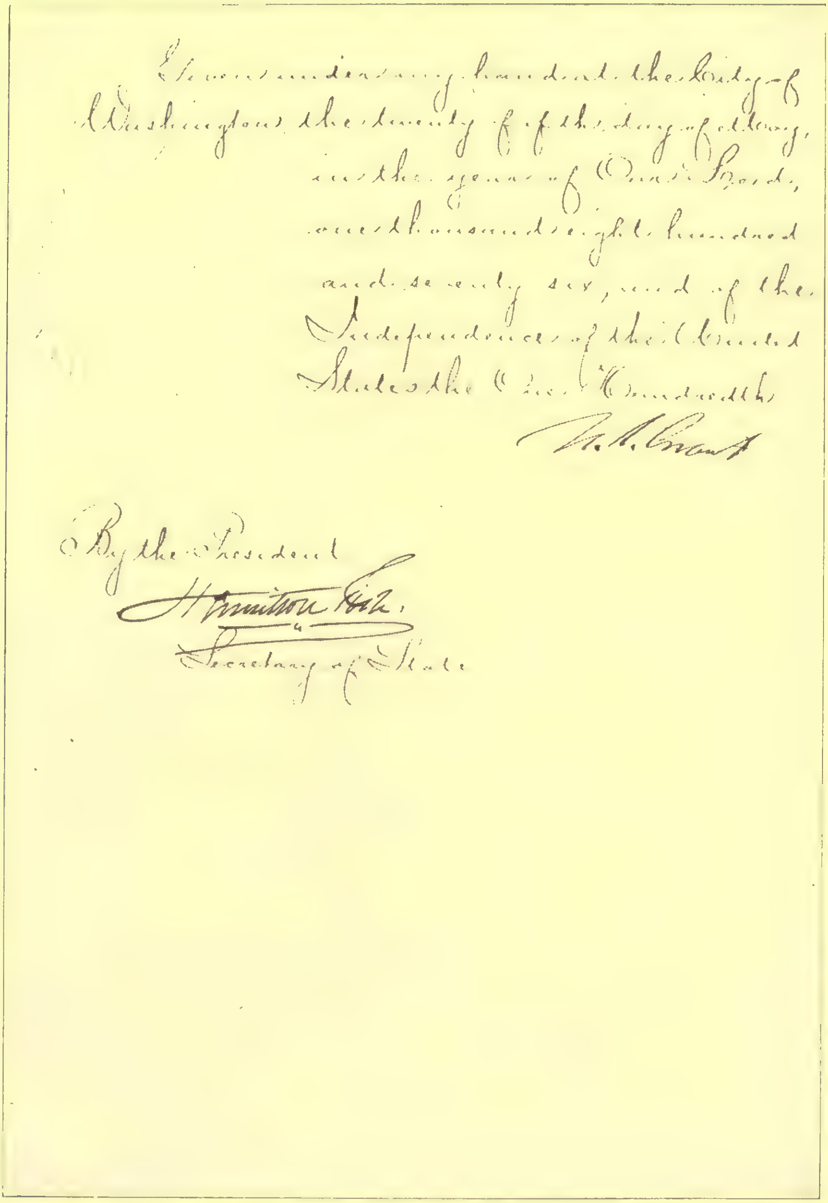
Mr. Thomson

By the President of the United States

A Proclamation

Whereas a Joint Resolution of the
Senate and House of Representatives of the
United States was duly approved on the
13th day of March, last, which Resolution is as follows:
"Be it resolved by the Senate and House
"of Representatives of the United States of Amer-
"-ican in Congress assembled, That it be, and
"is hereby recommended by the Senate and House
"of Representatives to the people of the several
"States that they assemble in their several
"counties or towns on the approaching Cen-
"-tennial Anniversary of our National Inde-
"-pendence, and that they cause to have deliv-
"-ered on such day an historical sketch of
"said county or town from its formation, and that

PREAMBLE TO GRANT'S CENTENNIAL PROCLAMATION.



Given under my hand at the City of Washington the twenty fifth day of May, in the year of Our Lord, one thousand eight hundred and seventy six, and of the Independence of the United States the One Hundredth.

U. S. Grant

By the President

Hamilton Fish,

Secretary of State

LAST PAGE AND SIGNATURES OF GRANT AND SECRETARY HAMILTON FISH TO A STATE DOCUMENT.

the country from which, in my judgment, the act affords a wise and constitutional means of escape.

For the first time in the history of our country, under the Constitution as it now is, a dispute exists with regard to the result of the election of the Chief Magistrate of the nation.

It is understood that upon the disposition of disputes touching the electoral votes cast at the late election by one or more of the States depends the question whether one or the other of the candidates for the Presidency is to be the lawful Chief Magistrate. The importance of having clearly ascertained, by a procedure regulated by law, which of the two citizens has been elected, and of having the right to this high office recognized and cheerfully agreed in by all the people of the Republic, can not be overestimated, and leads me to express to Congress and to the nation my great satisfaction at the adoption of a measure that affords an orderly means of decision of a gravely exciting question.

While the history of our country in its earlier periods shows that the President of the Senate has counted the votes and declared their standing, our whole history shows that in no instance of doubt or dispute has he exercised the power of deciding, and that the two Houses of Congress have disposed of all such doubts and disputes, although in no instance hitherto have they been such that their decision could essentially have affected the result.

For the first time the Government of the United States is now brought to meet the question as one vital to the result, and this under conditions not the best calculated to produce an agreement or to induce calm feeling in the several branches of the Government or among the people of the country. In a case where, as now, the result is involved, it is the highest duty of the lawmaking power to provide in advance a constitutional, orderly, and just method of executing the Constitution in this most interesting and critical of its provisions. The doing so, far from being a compromise of right, is an enforcement of right and an execution of powers conferred by the Constitution on Congress.

I think that this orderly method has been secured by the bill, which, appealing to the Constitution and the law as the guide in ascertaining rights, provides a means of deciding questions of single returns through the direct action of Congress, and in respect to double returns by a tribunal of inquiry, whose decisions stand unless both Houses of Congress shall concur in determining otherwise, thus securing a definite disposition of all questions of dispute, in whatever aspect they may arise. With or without this law, as all of the States have voted, and as a tie vote is impossible, it must be that one of the two candidates has been elected; and it would be deplorable to witness an irregular controversy as to which of the two should receive or which should continue to hold the office. In all periods of history controversies have arisen as to the succession or choice of the chiefs of states, and no party or citizens loving their country and its free institutions can sacrifice too much of mere feeling in preserving through the upright course of law their country from the smallest danger to its peace on such an occasion; and it can not be impressed too firmly in the hearts of all the people that true liberty and real progress can exist only through a cheerful adherence to constitutional law.

The bill purports to provide only for the settlement of questions arising from the recent elections. The fact that such questions can arise demonstrates the necessity, which I can not doubt will before long be supplied, of permanent general legislation to meet cases which have not been contemplated in the Constitution or laws of the country.

The bill may not be perfect, and its provisions may not be such as would be best applicable to all future occasions, but it is calculated to meet the present condition of the question and of the country.

The country is agitated. It needs and it desires peace and quiet and harmony between all parties and all sections. Its industries are arrested, labor unemployed, capital idle, and enterprise paralyzed by reason of the doubt and anxiety attending the uncertainty of a double claim to the Chief Magistracy of the nation. It wants to be assured that the result of the election will be accepted without resistance from the supporters of the disappointed candidate, and that its highest officer shall not hold his place with a questioned title of right. Believing that the bill will secure these ends, I give it my signature.

U. S. GRANT.

EXECUTIVE MANSION, *January 30, 1877.*

To the Senate and House of Representatives:

I desire to call the attention of Congress to the importance of providing for the continuance of the board for testing iron, steel, and other metals, which by the sundry civil appropriation act of last year was ordered to be discontinued at the end of the present fiscal year. This board, consisting of engineers and other scientific experts from the Army, the Navy, and from civil life (all of whom, except the secretary, give their time and labors to this object without compensation), was organized by authority of Congress in the spring of 1875, and immediately drafted a comprehensive plan for its investigations and contracted for a testing machine of 400 tons capacity, which would enable it to properly conduct the experiments. Meanwhile the subcommittees of the board have devoted their time to such experiments as could be made with the smaller testing machines already available. This large machine is just now completed and ready for erection at the Watertown Arsenal, and the real labors of the board are therefore just about to be commenced. If the board is to be discontinued at the end of the present fiscal year, the money already appropriated and the services of the gentlemen who have given so much time to the subject will be unproductive of any results.

The importance of these experiments can hardly be overestimated when we consider the almost endless variety of purposes for which iron and steel are employed in this country and the many thousands of lives which daily depend on the soundness of iron structures. I need hardly refer to the recent disaster at the Ashtabula bridge, in Ohio, and the conflicting theories of experts as to the cause of it, as an instance of what might have been averted by a more thorough knowledge of the properties of iron and the best modes of construction. These experiments can not properly be conducted by private firms, not only on account of the expense, but because the results must rest upon the authority of disinterested persons. They must therefore be undertaken under the sanction of the Government. Compared with their great value to the industrial interests of the country, the expense is very slight.

The board recommend an appropriation of $40,000 for the next fiscal year, and I earnestly commend their request to the favorable consideration of Congress. I also recommend that the board be required to conduct their investigations under the direction of the Secretary of War, and to make full report of their progress to that officer in time to be incorporated in his annual report.

U. S. GRANT.

WASHINGTON, *February 2, 1877.*

To the Senate of the United States:

I transmit, in answer to a resolution of the Senate of the 10th ultimo, a report of the Secretary of State, with its accompanying papers.*

U. S. GRANT.

EXECUTIVE MANSION, *February 3, 1877.*

To the Senate and House of Representatives:

By the act of Congress approved January 14, 1875, "to provide for the resumption of specie payments," the 1st of January, 1879, is fixed as the date when such resumption is to begin. It may not be desirable to fix an earlier date when it shall actually become obligatory upon the Government to redeem its outstanding legal-tender notes in coin on presentation, but it is certainly most desirable, and will prove most beneficial to every pecuniary interest of the country, to hasten the day when the paper circulation of the country and the gold coin shall have equal values.

At a later day, if currency and coin should retain equal values, it might become advisable to authorize or direct resumption. I believe the time has come when by a simple act of the legislative branch of the Government this most desirable result can be attained. I am strengthened in this view by the course trade has taken in the last two years and by the strength of the credit of the United States at home and abroad.

---

*Preliminary and final reports of J. Hubley Ashton, agent of the United States before the United States and Mexican Claims Commission.

For the fiscal year ending June 30, 1876, the exports of the United States exceeded the imports by $120,213,102; but our exports include $40,569,621 of specie and bullion in excess of imports of the same commodities. For the six months of the present fiscal year from July 1, 1876, to January 1, 1877, the excess of exports over imports amounted to $107,544,869, and the import of specie and bullion exceeded the export of the precious metals by $6,192,147 in the same time. The actual excess of exports over imports for the six months, exclusive of specie and bullion, amounted to $113,737,040, showing for the time being the accumulation of specie and bullion in the country amounting to more than $6,000,000, in addition to the national product of these metals for the same period—a total increase of gold and silver for the six months not far short of $60,000,000. It is very evident that unless this great increase of the precious metals can be utilized at home in such a way as to make it in some manner remunerative to the holders it must seek a foreign market as surely as would any other product of the soil or the manufactory. Any legislation which will keep coin and bullion at home will, in my judgment, soon bring about practical resumption, and will add the coin of the country to the circulating medium, thus securing a healthy "inflation" of a sound currency, to the great advantage of every legitimate business interest.

The act to provide for the resumption of specie payments authorizes the Secretary of the Treasury to issue bonds of either of the descriptions named in the act of Congress approved July 14, 1870, entitled "An act to authorize the refunding of the national debt," for not less than par in gold. With the present value of the 4½ per cent bonds in the markets of the world, they could be exchanged at par for gold, thus strengthening the Treasury to meet final resumption and to keep the excess of coin over demand, pending its permanent use as a circulating medium, at home. All that would be further required would be to reduce the volume of legal-tender notes in circulation. To accomplish this I would suggest an act authorizing the Secretary of the Treasury to issue 4 per cent bonds, with forty years to run before maturity, to be exchanged for legal-tender notes whenever presented in sums of $50 or any multiple thereof, the whole amount of such bonds, however, not to exceed $150,000,000. To increase the home demand for such bonds I would recommend that they be available for deposit in the United States Treasury for banking purposes under the various provisions of law relating to national banks.

I would suggest further that national banks be required to retain a certain percentage of the coin interest received by them from the bonds deposited with the Treasury to secure their circulation.

I would also recommend the repeal of the third section of the joint resolution "for the issue of silver coin," approved July 22, 1876, limiting the subsidiary coin and fractional currency to $50,000,000.

I am satisfied that if Congress will enact some such law as will accomplish the end suggested they will give a relief to the country instant in its effects. and for which they will receive the gratitude of the whole people.

U. S. GRANT.

EXECUTIVE MANSION, *February 9, 1877.*

To the Senate and House of Representatives:

The accompanying memorial is transmitted to Congress at the request of a committee, composed of many distinguished citizens of New York, recently appointed to cooperate with a generous body of French citizens who design to erect in the harbor of New York a colossal statue of "Liberty Enlightening the World." Very little is asked of us to do, and I hope that the wishes of the memorialists may receive your very favorable consideration.

U. S. GRANT.

EXECUTIVE MANSION, *February 9, 1877.*

To the Senate and House of Representatives:

I transmit herewith the catalogues and report of the board on behalf of the Executive Departments at the International Exhibition of 1876, with their accompanying illustrations.

The labors performed by the members of the board, as evinced by the voluminous mass of information found in the various papers from the officers charged with their preparation, have been in the highest degree commendable, and believing that the publication of these papers will form an interesting memorial of the greatest of international exhibitions and of the centennial anniversary of the independence of our country, I recommend that they be printed in a suitable form for distribution and preservation.

The letter of the chairman of the board will give to Congress the history of its organization, the law and Executive orders under which it has acted, and the steps which have been taken to preserve the large and instructive collections made, with a view to their forming a part of a national museum, should Congress make the necessary appropriations for such a desirable object.

U. S. GRANT.

WASHINGTON, *February 15, 1877.*

To the Senate of the United States:

I transmit herewith, in answer to the resolution of the Senate of the 13th instant, a report from the Secretary of State, with accompanying papers.*

U. S. GRANT.

---

*Statements of appropriations and expenditures of the Department of State from March 4, 1789, to June 30, 1876, inclusive.

WASHINGTON, *February 23, 1877.*

To the Senate and House of Representatives:

I transmit herewith a report from the Secretary of State, bearing date the 20th instant, with its accompaniments, being the report of the commissioner of the United States and of the officers of engineers attached to the commission appointed to determine the boundary line between the United States and the possessions of Great Britain from the northwest angle of the Lake of the Woods to the summit of the Rocky Mountains. These reports announce the completion of the labors of this commission, whereby the entire boundary line between the United States and the possessions of Great Britain is marked and determined, except as to that part of the territory of the United States which was ceded by Russia under the treaty of 1867.

U. S. GRANT.

WASHINGTON, *February 24, 1877.*

To the House of Representatives:

I transmit herewith, in answer to the resolution of the House of Representatives of the 25th ultimo, a report from the Secretary of State, with accompanying papers.*

U. S. GRANT.

EXECUTIVE MANSION, *February 26, 1877.*

To the Senate of the United States:

I have the honor to return herewith Senate bill No. 234, entitled "An act to allow a pension of $37 per month to soldiers who have lost both an arm and a leg." Under existing law soldiers who have lost both an arm and a leg are entitled to draw a monthly pension of $18. As the object of this bill is to allow them $18 per month for each of these disabilities, or $36 in all, it is returned simply for an amendment of title which shall agree with its provisions. When this shall have been done, I will very gladly give it my immediate approval.

U. S. GRANT

WASHINGTON, *February 28, 1877.*

To the Senate of the United States:

In answer to the resolution† of the Senate of the 27th instant, I transmit herewith a report of the Secretary of State, together with the papers which accompanied it.

U. S. GRANT.

---

*Correspondence, etc., connected with the agency of A. B. Steinberger in the Samoan Islands.

†Directing the Secretary of State to transmit any communication demanding the payment of moneys claimed to be due the Dominican Government from the United States.

VETO MESSAGES.

EXECUTIVE MANSION, *January 15, 1877*.

To the House of Representatives:

For the reasons set forth in the accompanying communication addressed to the Secretary of the Interior by the Commissioner of the General Land Office, I have the honor to return herewith without my signature the bill (H. R. 2041) entitled "An act to amend section 2291 of the Revised Statutes of the United States, in relation to proof required in homestead entries."

U. S. GRANT.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., January 12, 1877.

The PRESIDENT.

SIR: I have the honor to return herewith enrolled bill H. R. No. 2041, entitled "An act to amend section 2291 of the Revised Statutes of the United States, in relation to proof required in homestead entries," which accompanied your letter of the 10th instant, requesting to be informed whether any objection was known to this Department why the same should not become a law.

The matter was referred to the Commissioner of the General Land Office, and I transmit herewith a copy of a letter from him suggesting certain amendments to the second section of said act.

I concur in the recommendations made by the Commissioner.

I have the honor to be, with great respect, your obedient servant,

Z. CHANDLER,
Secretary.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., January 11, 1877.

The Honorable SECRETARY OF THE INTERIOR.

SIR: I am in receipt, by your reference of yesterday's date, of "An act to amend section 2291 of the Revised Statutes of the United States, in relation to proof required in homestead entries," which has passed both Houses of Congress and now awaits the signature of the President.

The purpose of the act is to enable parties seeking title under the homestead law to make final proof before a judge or clerk of court in the county or district where the lands are situated.

Its provisions are in conformity with the views and recommendations of this office, and I see no objection to them in so far as relates to the taking of the testimony.

I observe, however, that the second section provides that the proofs, affidavits, and oaths shall be filed in the office of the register, and no provision is made for the transmission of either the original papers or duplicates to this office, in order that patents may properly issue thereon, the provisions relating to certification for the purposes of evidence seeming to require that they shall remain on file in the district office. There is, therefore, no opportunity for the supervisory control of the Commissioner over entries so made to be exercised under the statutes, and thus the express requirements of existing law, as well as the essential harmony of the land system, are interfered with by its provisions. To remedy this defect in the proposed law I recommend that the act be returned to the legislative body with the request for an enactment in lieu of the second section which shall provide for the regular transmission of the papers to this office, as in other cases, or the simple striking out of the section altogether, as the provisions of existing law would then cover the case, and require the same disposal of this class of entries as obtains under present regulations so far as relates to the transmission of papers and proof to this office and the certification of the same by the Commissioner, under seal, for purposes of evidence.

I observe in section 3, line 4, the omission of the word "he" after the word "corrupt," which destroys the grammatical construction of the language and was probably a clerical error.

I return herewith the act referred to.

Very respectfully, your obedient servant,

A. WILLIAMSON,
Commissioner.

EXECUTIVE MANSION, *January 23, 1877.*

To the House of Representatives:

I return herewith House bill (No. 4350) to abolish the board of commissioners of the Metropolitan police of the District of Columbia and to transfer its duties to the Commissioners of the District of Columbia, without my approval.

It is my judgment that the police commissioners, while appointed by the Executive, should report to and receive instructions from the District Commissioners. Under other circumstances than those existing at present I would have no objection to the entire abolition of the board and seeing the duties devolved directly upon the District Commissioners The latter should, in my opinion, have supervision and control over the acts of the police commissioners under any circumstances; but as recent events have shown that gross violations of law have existed in this District for years directly under the eyes of the police, it is highly desirable that the board of police commissioners should be continued in some form until the evil complained of is eradicated and until the police force is put on a footing to prevent, if possible, a recurrence of the evil. The board of police commissioners have recently been charged with the direct object of accomplishing this end.

U. S. GRANT.

WASHINGTON, *January 26, 1877.*

To the House of Representatives:

I return to the House of Representatives, in which they originated two joint resolutions, the one entitled "Joint resolution relating to congratulations from the Argentine Republic," the other entitled "Joint resolution in reference to congratulations from the Republic of Pretoria, South Africa."

The former of these resolutions purports to direct the Secretary of State to acknowledge a dispatch of congratulation from the Argentine Republic and the high appreciation of Congress of the compliment thus conveyed. The other directs the Secretary of State to communicate to the

Republic of Pretoria the high appreciation of Congress of the complimentary terms in which said Republic has referred to the first centennial of our national independence.

Sympathizing, as I do, in the spirit of courtesy and friendly recognition which has prompted the passage of these resolutions, I can not escape the conviction that their adoption has inadvertently involved the exercise of a power which infringes upon the constitutional rights of the Executive.

The usage of governments generally confines their correspondence and interchange of opinion and of sentiments of congratulation, as well as of discussion, to one certain established agency. To allow correspondence or interchange between states to be conducted by or with more than one such agency would necessarily lead to confusion, and possibly to contradictory presentation of views and to international complications.

The Constitution of the United States, following the established usage of nations, has indicated the President as the agent to represent the national sovereignty in its intercourse with foreign powers and to receive all official communications from them. It gives him the power, by and with the advice and consent of the Senate, to make treaties and to appoint embassadors and other public ministers; it intrusts to him solely "to receive embassadors and other public ministers," thus vesting in him the origination of negotiations and the reception and conduct of all correspondence with foreign states, making him, in the language of one of the most eminent writers on constitutional law, "the constitutional organ of communication with foreign states."

No copy of the addresses which it is proposed to acknowledge is furnished. I have no knowledge of their tone, language, or purport. From the tenor of the two joint resolutions it is to be inferred that these communications are probably purely congratulatory. Friendly and kindly intentioned as they may be, the presentation by a foreign state of any communication to a branch of the Government not contemplated by the Constitution for the reception of communications from foreign states might, if allowed to pass without notice, become a precedent for the address by foreigners or by foreign states of communications of a different nature and with wicked designs.

If Congress can direct the correspondence of the Secretary of State with foreign governments, a case very different from that now under consideration might arise, when that officer might be directed to present to the same foreign government entirely different and antagonistic views or statements.

By the act of Congress establishing what is now the Department of State, then known as the Department of Foreign Affairs, the Secretary is to "perform and execute such duties as shall from time to time be enjoined on or intrusted to him by the President of the United States, agreeably to the Constitution, relative to correspondence, commissions.

or instructions to or with public ministers or consuls from the United States, or to negotiations with public ministers from foreign states or princes, or to memorials or other applications from foreign public ministers or other foreigners, or to such other matters respecting foreign affairs as the President of the United States shall assign to the said Department; and furthermore, the said principal officer [the Secretary of State] shall conduct the business of the said Department in such manner as the President of the United States shall from time to time order or instruct."

This law, which remains substantially unchanged, confirms the view that the whole correspondence of the Government with and from foreign states is intrusted to the President; that the Secretary of State conducts such correspondence exclusively under the orders and instructions of the President, and that no communication or correspondence from foreigners or from a foreign state can properly be addressed to any branch or Department of the Government except that to which such correspondence has been committed by the Constitution and the laws.

I therefore feel it my duty to return the joint resolutions without my approval to the House of Representatives, in which they originated.

In addition to the reasons already stated for withholding my constitutional approval from these resolutions is the fact that no information is furnished as to the terms or purport of the communications to which acknowledgments are desired; no copy of the communications accompanies the resolutions, nor is the name even of the officer or of the body to whom an acknowledgment could be addressed given; it is not known whether these congratulatory addresses proceed from the head of the state or from legislative bodies; and as regards the resolution relating to the Republic of Pretoria, I can not learn that any state or government of that name exists.

U. S. GRANT.

EXECUTIVE MANSION, *January 26, 1877.*

To the Senate of the United States:

I have the honor to return herewith without my approval Senate bill No. 685, entitled "An act to place the name of Daniel H. Kelly upon the muster roll of Company F, Second Tennessee Infantry."

The reasons for withholding my signature to this bill may be found in the accompanying report received from the Secretary of War.

U. S. GRANT.

WAR DEPARTMENT, *January 24, 1877.*

The PRESIDENT.

SIR: I have the honor to return herewith Senate bill 685, "to place the name of Daniel H. Kelly upon the muster roll of Company F, Second Tennessee Infantry," with the report of the Adjutant-General, as follows:

"The inclosed act directs the Secretary of War to place the name of Daniel H. Kelly upon the muster roll of Company F, Second Tennessee Infantry, to date

December 1, 1861. There is no record of the enlistment, service, or death of this man on file in this office, and if this act becomes a law as it now reads it will be of no benefit to the heirs."

I have the honor to be, sir, with great respect, your obedient servant,

J. D. CAMERON,
Secretary of War.

EXECUTIVE MANSION, *February 14, 1877.*

To the House of Representatives:

I have the honor to return herewith without my approval House bill No. 3367, entitled "An act to remove the charge of desertion from the military record of Alfred Rouland."

The reasons for withholding my signature may be found in the accompanying report received from the Secretary of War.

U. S. GRANT.

WAR DEPARTMENT,
Washington City, February 8, 1877.

The PRESIDENT.

SIR: I have the honor to return House bill 3367, "to remove the charge of desertion from the military record of Alfred Rouland," and inclose copy of the report of the Adjutant-General, dated the 8th instant, who recommends that the bill be not approved.

In this connection I would invite attention to reports of the Military Committees of the House and Senate (House Report No. 461, Forty-fourth Congress, first session; Senate Report No. 578, Forty-fourth Congress, second session) in the case, of which copies are herewith.

I have the honor to be, very respectfully, your obedient servant,

J. D. CAMERON,
Secretary of War.

WAR DEPARTMENT,
Adjutant-General's Office, February 8, 1877.

Respectfully returned to the Secretary of War.

This man is reported on the muster-out roll of his company as having "deserted at Wilmington, N. C., April 16, 1866."

In his petition of December 28, 1874, on file in this office, occurs the following language:

"I was transferred to the Twenty-eighth Michigan Volunteers, and performed duty with that regiment from the 28th June, 1865, until the 16th day of April, 1866, when, being in a reduced and weak condition from continued chills and fever, and being in great fear of smallpox, which had become very prevalent at Wilmington, N. C., where my company was then stationed, I left my command without leave and returned to Michigan." * * *

This man is consequently a deserter in fact, and should this bill, restoring to an honorable status an admitted deserter, become a law, it will defeat every end of military discipline and justice, besides working a great injustice to every soldier who served faithfully and honorably.

It is therefore strongly recommended that it be not approved.

E. D. TOWNSEND,
Adjutant-General.

EXECUTIVE MANSION, *February 14, 1877.*

To the House of Representatives:

I return the House bill No. 3155, entitled "An act to perfect the revision of the statutes of the United States," without my approval. My objection is to the single provision which amends section 3823 of the Revised Statutes.

That section is as follows:

> SEC. 3823. The Clerk of the House of Representatives shall select in Virginia, South Carolina, North Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Texas, and Arkansas one or more newspapers, not exceeding the number allowed by law, in which such treaties and laws of the United States as may be ordered for publication in newspapers according to law shall be published, and in some one or more of which so selected all such advertisements as may be ordered for publication in said districts by any United States court or judge thereof, or by any officer of such courts, or by any executive officer of the United States, shall be published, the compensation for which and other terms of publication shall be fixed by said Clerk at a rate not exceeding $2 per page for the publication of treaties and laws, and not exceeding $1 per square of eight lines of space for the publication of advertisements, the accounts for which shall be adjusted by the proper accounting officers and paid in the manner now authorized by law in the like cases.

The bill proposes to amend this section as follows:

By striking out all after the word "in" in the first line to the word "one" in the third line, and inserting therefor the words "each State and Territory of the United States."

Prior to 1867 the advertising of the Executive Departments had been subject to the direction of the heads of those Departments, and had been published in newspapers selected by them and on terms fixed by them. In the year 1867 (14 U. S. Statutes at Large, pp. 466, 467), when the ten States above named were yet unrestricted, and when there existed a radical difference of opinion between the executive and legislative departments as to the administration of the Government in those States, this provision was enacted. Subsequently, during the same year (15 U. S. Statutes at Large, p. 8), so much of this provision "as relates to the publication of the laws and treaties of the United States" was extended to all the States and Territories, leaving the advertisements ordered by Congress and by the Executive Departments unaffected thereby. The continuance of this provision after the reconstruction acts had taken effect and the bringing it forward into the Revised Statutes were probably through inadvertence.

The existence of this section (3823) of the Revised Statutes seems to have been ignored by Congress itself in the adoption of section 3941, authorizing the Postmaster-General to advertise in such newspapers as he may choose. But the present act, if it should go into effect, would compel him and the other heads of the Executive Departments, as well as all the courts, to publish all their advertisements in newspapers selected by the Clerk of the House of Representatives. It would make general in its operation a provision which was exceptional and temporary in its origin and character. This, in my judgment, would be unwise, if not also an actual encroachment upon the constitutional rights of the executive branch of the Government. The person who should be appointed by law to select all the newspapers throughout the country to which the patronage of all branches of the Government of the United States should be given, if not an officer of the United States under Article II, section 2, clause 2, of the Constitution, would certainly have powers and duties which have hitherto been regarded as official.

But without reference to the question of its constitutionality, I am satisfied that this provision would not operate usefully or fairly. I am constrained, therefore, to withhold from it my approval. I regret that my objection to this one clause of the act can not be made available without withholding my approval from the entire act, which is otherwise unobjectionable.

U. S. GRANT.

EXECUTIVE MANSION, *February 28, 1877.*

To the Senate of the United States:

I have the honor to return herewith without my approval Senate bill No. 691, entitled "An act for the relief of Edward A. Leland." The reasons for withholding my approval may be found in the accompanying communication received from the Secretary of the Interior.

U. S. GRANT.

DEPARTMENT OF THE INTERIOR,
Washington, February 27, 1877.

The PRESIDENT.

SIR: I have the honor to return herewith the bill (S. 691) entitled "An act for the relief of Edward A. Leland," accompanied by a copy of a letter from the Commissioner of Patents suggesting an objection to the bill in its present form, and to recommend that it be returned to Congress for amendment in accordance with the suggestions of the Commissioner.

I have the honor to be, very respectfully,

Z. CHANDLER,
Secretary.

DEPARTMENT OF THE INTERIOR,
UNITED STATES PATENT OFFICE,
Washington, D. C., February 27, 1877.

Hon. Z. CHANDLER,
Secretary of the Interior.

SIR: In the matter of the enrolled bill (S. 691) extending letters patent of Edward A. Leland, I have the honor to report that said letters patent were granted for an improved paint can August 14, 1860, for the term of fourteen years; that they consequently expired on the 14th day of August, 1874, whereupon the invention became the property of the public.

The present act proposes to extend the term of the patent seven years from said 14th day of August, 1874, and give to it the same effect in law as if it had been originally granted for the term of twenty-one years.

It will be seen, therefore, that those who have innocently used and purchased the invention since the expiration of the letters patent on the 14th of August, 1874, under the impression that the invention was the property of the public, will, by the retroactive terms of the bill, be liable for damages for such use upon suits for infringement.

This hardship is generally, if not always, provided against by a proviso to such bills, setting forth in terms "that no person shall be held liable for the infringement of said patent, if extended, for making use of said invention since the expiration of the original term of said patent and prior to the date of its extension."

Unless such a proviso is incorporated into the present bill, the injustice alluded to may be done.

Very respectfully, your obedient servant,

ELLIS SPEAR,
Commissioner of Patents.

PROCLAMATION.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas objects of interest to the United States require that the Senate should be convened at 12 o'clock on the 5th day of March next to receive and act upon such communications as may be made to it on the part of the Executive:

Now, therefore, I, Ulysses S. Grant, President of the United States, have considered it to be my duty to issue this my proclamation, declaring that an extraordinary occasion requires the Senate of the United States to convene for the transaction of business at the Capitol, in the city of Washington, on the 5th day of March next, at 12 o'clock at noon on that day, of which all who shall at that time be entitled to act as members of that body are hereby required to take notice.

Given under my hand and the seal of the United States, at Washington, the 2d day of March, A. D. 1877, and of the Independence of the United States of America the one hundred and first.

[SEAL.]

U. S. GRANT.

By the President:

HAMILTON FISH,
Secretary of State.

QUESTIONS.

1. What is the general rule for recognizing the belligerent rights of insurgents in foreign countries? Page 4201.

2. What was Grant's recommendation as to the transfer of the Pension Bureau? Page 4061.

3. Why should an American merchant marine be re-established? Page 4007.

4. When was the eight-hour law promulgated, as applied to laborers and mechanics in Government employ? Page 3969.

5. What national peril arises from fraudulent naturalization? Page 3990.

6. What law stood in the way of acceptance by A. T. Stewart of the position of Secretary of the Treasury? Page 3962.

7. What was the President's recommendation as to granting the proceeds of public lands to educational purposes? Pages 4106, 4157.

8. What recommendation was made as to the carrying of merchandise by mail? Page 4306.

SUGGESTIONS.

Grant's counsel on the return to specie payment was marked by sound reasoning and conservatism. Page 3983 and following.

The panic tide, due to the holding of gold, could not, however, be stemmed. (See Black Friday and Panics, Encyclopedic Index.)

The Fifteenth Amendment was adopted during Grant's administration. (See Amendments, Encyclopedic Index, also page 32.)

The Alabama Claims were finally adjudicated. (See Alabama Claims, with references, Encyclopedic Index.)

The electoral commission was called into being at the close of Grant's administration, to settle the contest between Hayes, the Republican candidate, and Tilden, the Democratic candidate, for the Presidency. (See Electoral Commission, Encyclopedic Index.)

The Cuban situation continued to be vexing. For Grant's views, see pages 3985, 4018, 4051, 4101, 4143, 4245, 4290.

Grant had occasion to re-assert the Monroe Doctrine. Pages 4015, 4054, 4083.

What was known as the "Salary Grab Act" was passed. Page 4334. (See also "Salary Grab," Encyclopedic Index.)

Two great fires occurred in the country during Grant's administration: The great Chicago fire in 1871, referred to on pages 4108, 4138; the great Boston fire, referred to on page 4138.

Read Grant's Foreign Policy. Pages 3985, 4006, 4016, 4018, 4050, 4053, 4082, 4101, 4143, 4176, 4192, 4245, 4290, 4365.

NOTE.

For further suggestions on Grant's administration, see Grant, Ulysses S., Encyclopedic Index.

By reading the Foreign Policy of each President, and by scanning the messages as to the state of the nation, a thorough knowledge of the history of the United States will be acquired from the most authentic sources; because, as has been said, "Each President reviews the past, depicts the present and forecasts the future of the nation."

Rutherford B. Hayes

March 4, 1877, to March 4, 1881

SEE ENCYCLOPEDIC INDEX.

The Encyclopedic Index is not only an index to the other volumes, not only a key that unlocks the treasures of the entire publication, but it is in itself an alphabetically arranged brief history or story of the great controlling events constituting the History of the United States.

Under its proper alphabetical classification the story is told of every great subject referred to by any of the Presidents in their official Messages, and at the end of each article the official utterances of the Presidents themselves are cited upon the subject, so that you may readily turn to the page in the body of the work itself for this original information.

Next to the possession of knowledge is the ability to turn at will to where knowledge is to be found.

R B Hayes

HOME OF RUTHERFORD B. HAYES

With reproduction of official portrait, by Huntington, from the White House Collection

R. B. Hayes

HAYES

Interest in President Hayes is reviving, and I am glad to note it. He was not properly appreciated by the country while in life. I hope history will do him justice. He was in private life a lovable man, and in public life very able as well as pure and patriotic in his purposes. He was of rugged constitution, of undoubted physical courage, and always willing to stand by his convictions without regard as to results. He was of humble origin, a self-made man, a lawyer and a soldier; three times Governor of Ohio, a member of Congress, and President of the United States. He distinguished himself in all these relations. He got his education by hard work and personal deprivation. He attracted attention at the bar from the day of his admission. He held the very responsible office of city solicitor for the city of Cincinnati when the war broke out. He at once volunteered, and rapidly rose to the rank of major-general for efficient and gallant services rendered at the front. He was distinguished for bravery in almost every battle in which he fought.

His elections to be Governor of Ohio were over the three strongest and most popular Democrats in the State—Thurman, Pendleton, and Allen. He beat them all in succession.

He came into the Presidential office handicapped by a disputed title, and disappointed many Republicans by the course he pursued with respect to the South, particularly as to the Packard government in Louisiana; but he took that step from a high sense of duty.

His Cabinet was one of the ablest we have ever had, and his Administration will compare favorably in all respects, but particularly as to its high moral and patriotic plane, with any we have had since the war.

When he retired from the Presidency he very largely dropped out of sight, but he did not lose interest in public affairs, nor cease to labor for the public good. He was active in all kinds of benevolent work, especially in connection with the National associations for prison reforms, charities, etc.

He took great interest in the Ohio State University, serving as a member of its board of trustees. In fact there was no work of a worthy kind, and beneficial to humanity in a charitable or educational way, in which he was not willing to engage, no matter how humble might be the position assigned him. He did not do this work for the sake of employment—that he might be occupied—nor that he might be in some sense kept before the public, for he had no thoughts or troubles of that character. It was purely and solely unselfish, and for the good of others.

He had a beautiful home at Fremont, Ohio, with spacious grounds, and there he delighted to spend his time. He was never a hard student, but he was always a wide and attentive reader, a charming conversationalist and an agreeable and entertaining companion.

He had a considerable fortune, and a wife and children of ability, culture, and refinement. His was a model home, and there, after he was free from public cares, were spent the happiest days of his life.

Upon the death of President Hayes, which occurred at his home at Fremont, Ohio, William McKinley, Jr., then Governor of Ohio, issued a proclamation, in which he said among other things: "In battle he was brave, and wounds he received in defending his country's flag were silent, but eloquent, testimonials to his gallantry, patriotism, and sacrifice. * * * From the completion of his term as President of the United States, he was an exemplification of the noblest qualities of American citizenship in its private capacity; modest, unassuming, yet public-spirited, ever striving for the well being of the people, the relief of distress, the reformation of abuses, and the practical education of the masses of his countrymen.

"We are made better by such a life. Its serious contemplation will be helpful to all. We add to our own honor by doing honor to the memory of Rutherford B. Hayes.

"It is fitting that the people of Ohio—whom he served so long and faithfully—should take especial note of the going out of this great light, and make manifest the affectionate regard in which he was held by them.

"I, therefore, as Governor of the State of Ohio, recommend that the flags on all public buildings and schoolhouses be put at half mast," etc.

This proclamation may be taken as giving the true estimate of President Hayes' character by the Ohioan who became later the head of the Nation.

Rutherford B. Hayes was universally respected as a man of strong intellectual endowment, and uprightness of character and purposes. He was beloved as a man, a neighbor, and a friend by all whose good fortune it was to know him.

J. B. Foraker.

LUCY WARE WEBB HAYES

Lucy Ware Webb was born in Ohio, and married Mr. Hayes in 1852, the union resulting most happily. During her husband's military career she often visited him in the field and endeared herself to the soldiers by her gracious sympathy. Frank, cordial, hospitable and beautiful, she freely expressed her pleasure at becoming mistress of the Executive Mansion, winning many friends by her sunny smile and sincere greeting. She was very popular, although she displeased a certain few among her guests by banishing wine from the White House table, thereby gaining strong support from the temperance advocates. A fine oil painting of her was added by these adherents to the collection at the Mansion, Frances Willard making the presentation. During her husband's administration their silver wedding was celebrated, the occasion arousing national interest. She did not long survive her husband, who died at their home in Fremont, Ohio, in 1893.

Rutherford B. Hayes

Rutherford B. Hayes was born in Delaware, Ohio, October 4, 1822. His father had died in July, 1822, leaving his mother in modest circumstances. He attended the common schools, and began early the study of Latin and Greek with Judge Sherman Finch, of Delaware. Prepared for college at an academy at Norwalk, Ohio, and at a school in Middletown, Conn. In the autumn of 1838 entered Kenyon College, at Gambier, Ohio. Excelled in logic, mental and moral philosophy, and mathematics, and also made his mark as a debater in the literary societies. On his graduation, in August, 1842, was awarded the valedictory oration, with which he won much praise. Soon afterwards began the study of law in the office of Thomas Sparrow, at Columbus, Ohio, and then attended a course of law lectures at Harvard University, entering the law school August 22, 1843, and finishing his studies there in January, 1845. As a law student he had the advantage of friendly intercourse with Judge Story and Professor Greenleaf, and also attended the lectures of Longfellow on literature and of Agassiz on natural science, pursuing at the same time the study of French and German. In May, 1845, was admitted to practice in the courts of Ohio as an attorney and counselor at law. Established himself first at Lower Sandusky (now Fremont), where in April, 1846, he formed a law partnership with Ralph P. Buckland, then a Member of Congress. In the winter of 1849–50 established himself at Cincinnati. His practice at first being light, continued his studies in law and literature, and also became identified with various literary societies, among them the literary club of Cincinnati, where he met Salmon P. Chase, Thomas Ewing, Thomas Corwin, Stanley Matthews, Moncure D. Conway, Manning F. Force, and others of note. December 30, 1852, married Miss Lucy Ware Webb, daughter of Dr. James Webb, a physician of Chillicothe, Ohio. In January, 1854, formed a law partnership with H. W. Corwine and William K. Rogers. In 1856 was nominated for the office of common pleas judge, but declined. In 1858 was elected city solicitor by the city council of Cincinnati to fill a vacancy, and in the following year was elected to the same office at a popular election, but was defeated for reelection in 1861. After becoming a voter he acted with the Whig party, voting for Henry Clay in 1844, for General Taylor in 1848, and for General Scott in 1852. Having from his youth cherished antislavery feelings, he joined the Republican party as soon as it was organized, and earnestly advocated the election of Frémont in 1856 and of Lincoln in 1860. At a great mass meeting held in Cincinnati immediately after the firing on Fort Sumter was made chairman of a committee on resolutions. His literary club formed a military company, of which he was elected captain. June 7, 1861, was appointed by the governor of Ohio major of the Twenty-third Ohio Volunteers. September 19, 1861, was appointed by General Rosecrans judge-advocate of the Department of the Ohio. October 24, 1861, was promoted to the rank of lieutenant-colonel. In the battle of South Mountain, September 14, 1862, distinguished himself by gallant conduct in leading a charge and in holding a position at the head of his troops after being severely wounded in his left arm. October 24, 1862, was appointed colonel of the Twenty-third Ohio. In July, 1863, while with the army in southwestern Virginia, caused an expedition of two regiments and a section of artillery under his command to be dispatched to Ohio for the purpose of checking the raid of the Confederate general John Morgan, and aided materially in preventing the raiders from recrossing the Ohio River and in compelling Morgan to surrender. In the spring of 1864 commanded a brigade in General Crook's expedition to cut the principal lines of communication between Richmond and the Southwest. Distinguished himself by conspicuous bravery at the head of his brigade in storming a fortified position on the crest of Cloyd Mountain. Commanded a brigade in the first battle of Winchester. Took a creditable part in the engagement at Berryville, and at the second battle of Winchester, September 19, 1864, performed a feat of great bravery. Leading an assault upon a battery on an eminence, he found in his way a morass over 50 yards wide. Being at the head of his brigade, he plunged in first, and, his horse becoming mired at once, he dismounted and waded across alone under the enemy's fire. Signaled his men to come over, and when about 40 had joined him he rushed upon the battery and captured it after a hand-to-hand fight. At Fishers Hill, September 22, 1864, being then in command of a division, executed a brilliant flank movement over mountains and through woods, took many pieces of artillery, and routed the enemy. At the battle of Cedar Creek, October 19, 1864, his conduct attracted so much attention that his commander, General Crook, commended him, saying, "Colonel, from this day you will be a brigadier-general." The commission reached him a few days afterwards. March 13, 1865, received the rank of brevet major-general "for gallant and distinguished services during the campaign of 1864 in West Virginia, and particularly at the battles of Fishers Hill and Cedar Creek, Virginia." In August, 1864, while in the field, was nominated for Congress and elected. After the war, returned to civil life, and took his seat in Congress December 4, 1865. Voted with his party on questions connected with the reconstruction of the Southern States; supported a resolution declaring the sacredness of the public debt and denouncing repudiation, and also one commending President Johnson for declining to accept presents and condemning the practice; opposed a resolution favoring an increase of pay of members of Congress; introduced in a Republican caucus resolutions declaring that the only mode of obtaining from the States lately in rebellion irreversible guaranties was by constitutional amendment, and that an amendment basing representation upon voters instead of population ought to be acted upon without delay. In August, 1866, was renominated for Congress by acclamation, and was reelected. Supported the impeachment of President Johnson. In June, 1867, was nominated for governor of Ohio, and at the election defeated Judge Allen G. Thurman. In June, 1869, was again nominated for governor, and at the election defeated George H. Pendleton. At the expiration of his term as governor declined to be a candidate for the United States Senate against John Sherman. In 1872 was again nominated for Congress, but at the election was defeated. Declined the office of assistant treasurer of the United States at Cincinnati. In 1873 established his home at Fremont with the intention of retiring from public life. In 1875 was again nominated for governor of Ohio, and at the election defeated William Allen. Was nominated for President of the United States at the national Republican convention at Cincinnati on June 16, 1876. The Democrats selected as their candidate Samuel J. Tilden, of New York. The result of the election became the subject of acrimonious dispute. Each party charged fraud upon the other, and both parties claimed to have carried the States of Louisiana, South Carolina, and Florida. To avoid a deadlock, which might have happened if the canvass of the electoral votes had been left to the two Houses of Congress (the Senate having a Republican and the House of Representatives a Democratic majority), an act, advocated by members of both parties, was passed to refer all contested cases to a commission composed of five Senators, five Representatives, and five Justices of the Supreme Court, the decision of this commission to be final unless set aside by a concurrent vote of the two Houses of Congress. The commission, refusing to go behind the certificates of the governors, decided in each contested case by a vote of 8 to 7 in favor of the Republican electors, beginning with Florida on February 7, and on March 2 Mr. Hayes was declared duly elected President of the United States. Was inaugurated March 5, 1877. At the expiration of his term returned to his home at Fremont, Ohio. Was the recipient of various distinctions. The degree of LL. D. was conferred upon him by Kenyon College, Harvard University, Yale College, and Johns Hopkins University. Was made senior vice-commander of the Military Order of the Loyal Legion, commander of the Ohio commandery of the same order, first president of the Society of the Army of West

Virginia, and president of the Twenty-third Regiment Ohio Volunteers Association. Was president of the trustees of the John F. Slater education fund; one of the trustees of the Peabody education fund; president of the National Prison Reform Association; an active member of the National Conference of Corrections and Charities; a trustee of the Western Reserve University, at Cleveland, Ohio, of the Wesleyan University, of Delaware, Ohio, of Mount Union College, at Alliance, Ohio, and of the Ohio State University. He died at Fremont, Ohio, January 17, 1893, and was buried there.

INAUGURAL ADDRESS.

FELLOW-CITIZENS: We have assembled to repeat the public ceremonial, begun by Washington, observed by all my predecessors, and now a time-honored custom, which marks the commencement of a new term of the Presidential office. Called to the duties of this great trust, I proceed, in compliance with usage, to announce some of the leading principles, on the subjects that now chiefly engage the public attention, by which it is my desire to be guided in the discharge of those duties. I shall not undertake to lay down irrevocably principles or measures of administration, but rather to speak of the motives which should animate us, and to suggest certain important ends to be attained in accordance with our institutions and essential to the welfare of our country.

At the outset of the discussions which preceded the recent Presidential election it seemed to me fitting that I should fully make known my sentiments in regard to several of the important questions which then appeared to demand the consideration of the country. Following the example, and in part adopting the language, of one of my predecessors, I wish now, when every motive for misrepresentation has passed away, to repeat what was said before the election, trusting that my countrymen will candidly weigh and understand it, and that they will feel assured that the sentiments declared in accepting the nomination for the Presidency will be the standard of my conduct in the path before me, charged, as I now am, with the grave and difficult task of carrying them out in the practical administration of the Government so far as depends, under the Constitution and laws, on the Chief Executive of the nation.

The permanent pacification of the country upon such principles and by such measures as will secure the complete protection of all its citizens in the free enjoyment of all their constitutional rights is now the one subject in our public affairs which all thoughtful and patriotic citizens regard as of supreme importance.

Many of the calamitous effects of the tremendous revolution which has passed over the Southern States still remain. The immeasurable benefits which will surely follow, sooner or later, the hearty and generous acceptance of the legitimate results of that revolution have not yet been realized. Difficult and embarrassing questions meet us at the threshold of this subject. The people of those States are still impoverished, and the inestimable blessing of wise, honest, and peaceful local self-government is not fully enjoyed. Whatever difference of opinion may exist as to the cause of this condition of things, the fact is clear that in the progress of events the time has come when such government is the imperative necessity required by all the varied interests, public and private, of those States. But it must not be forgotten that only a local government which recognizes and maintains inviolate the rights of all is a true self-government.

With respect to the two distinct races whose peculiar relations to each other have brought upon us the deplorable complications and perplexities which exist in those States, it must be a government which guards the interests of both races carefully and equally. It must be a government which submits loyally and heartily to the Constitution and the laws—the laws of the nation and the laws of the States themselves—accepting and obeying faithfully the whole Constitution as it is.

Resting upon this sure and substantial foundation, the superstructure of beneficent local governments can be built up, and not otherwise. In furtherance of such obedience to the letter and the spirit of the Constitution, and in behalf of all that its attainment implies, all so-called party interests lose their apparent importance, and party lines may well be permitted to fade into insignificance. The question we have to consider for the immediate welfare of those States of the Union is the question of government or no government; of social order and all the peaceful industries and the happiness that belong to it, or a return to barbarism. It is a question in which every citizen of the nation is deeply interested, and with respect to which we ought not to be, in a partisan sense, either Republicans or Democrats, but fellow-citizens and fellow-men, to whom the interests of a common country and a common humanity are dear.

The sweeping revolution of the entire labor system of a large portion of our country and the advance of 4,000,000 people from a condition of servitude to that of citizenship, upon an equal footing with their former masters, could not occur without presenting problems of the gravest moment, to be dealt with by the emancipated race, by their former masters, and by the General Government, the author of the act of emancipation. That it was a wise, just, and providential act, fraught with good for all concerned, is now generally conceded throughout the country. That a moral obligation rests upon the National Government to employ its constitutional power and influence to establish the rights of the people it has emancipated, and to protect them in the enjoyment of those rights when they are infringed or assailed, is also generally admitted.

The evils which afflict the Southern States can only be removed or remedied by the united and harmonious efforts of both races, actuated by motives of mutual sympathy and regard; and while in duty bound and fully determined to protect the rights of all by every constitutional means at the disposal of my Administration, I am sincerely anxious to use every legitimate influence in favor of honest and efficient local *self*-government as the true resource of those States for the promotion of the contentment and prosperity of their citizens. In the effort I shall make to accomplish this purpose I ask the cordial cooperation of all who cherish an interest in the welfare of the country, trusting that party ties and the prejudice of race will be freely surrendered in behalf of the great purpose to be accomplished. In the important work of restoring the South it is not the political situation alone that merits attention. The material development of that section of the country has been arrested by the social and political revolution through which it has passed, and now needs and deserves the considerate care of the National Government within the just limits prescribed by the Constitution and wise public economy.

But at the basis of all prosperity, for that as well as for every other part of the country, lies the improvement of the intellectual and moral condition of the people. Universal suffrage should rest upon universal education. To this end, liberal and permanent provision should be made for the support of free schools by the State governments, and, if need be, supplemented by legitimate aid from national authority.

Let me assure my countrymen of the Southern States that it is my earnest desire to regard and promote their truest interests—the interests of the white and of the colored people both and equally—and to put forth my best efforts in behalf of a civil policy which will forever wipe out in our political affairs the color line and the distinction between North and South, to the end that we may have not merely a united North or a united South, but a united country.

I ask the attention of the public to the paramount necessity of reform in our civil service—a reform not merely as to certain abuses and practices of so-called official patronage which have come to have the sanction of usage in the several Departments of our Government, but a change in the system of appointment itself; a reform that shall be thorough, radical, and complete; a return to the principles and practices of the founders of the Government. They neither expected nor desired from public officers any partisan service. They meant that public officers should owe their whole service to the Government and to the people. They meant that the officer should be secure in his tenure as long as his personal character remained untarnished and the performance of his duties satisfactory. They held that appointments to office were not to be made nor expected merely as rewards for partisan services, nor merely on the nomination of members of Congress, as being entitled in any respect to the control of such appointments.

The fact that both the great political parties of the country, in declaring their principles prior to the election, gave a prominent place to the subject of reform of our civil service, recognizing and strongly urging its necessity, in terms almost identical in their specific import with those I have here employed, must be accepted as a conclusive argument in behalf of these measures. It must be regarded as the expression of the united voice and will of the whole country upon this subject, and both political parties are virtually pledged to give it their unreserved support.

The President of the United States of necessity owes his election to office to the suffrage and zealous labors of a political party, the members of which cherish with ardor and regard as of essential importance the principles of their party organization; but he should strive to be always mindful of the fact that he serves his party best who serves the country best.

In furtherance of the reform we seek, and in other important respects a change of great importance, I recommend an amendment to the Constitution prescribing a term of six years for the Presidential office and forbidding a reelection.

With respect to the financial condition of the country, I shall not attempt an extended history of the embarrassment and prostration which we have suffered during the past three years. The depression in all our varied commercial and manufacturing interests throughout the country, which began in September, 1873, still continues. It is very gratifying, however, to be able to say that there are indications all around us of a coming change to prosperous times.

Upon the currency question, intimately connected, as it is, with this topic, I may be permitted to repeat here the statement made in my letter of acceptance, that in my judgment the feeling of uncertainty inseparable from an irredeemable paper currency, with its fluctuation of values, is one of the greatest obstacles to a return to prosperous times. The only safe paper currency is one which rests upon a coin basis and is at all times and promptly convertible into coin.

I adhere to the views heretofore expressed by me in favor of Congressional legislation in behalf of an early resumption of specie payments, and I am satisfied not only that this is wise, but that the interests, as well as the public sentiment, of the country imperatively demand it.

Passing from these remarks upon the condition of our own country to consider our relations with other lands, we are reminded by the international complications abroad, threatening the peace of Europe, that our traditional rule of noninterference in the affairs of foreign nations has proved of great value in past times and ought to be strictly observed.

The policy inaugurated by my honored predecessor, President Grant, of submitting to arbitration grave questions in dispute between ourselves and foreign powers points to a new, and incomparably the best, instrumentality for the preservation of peace, and will, as I believe, become a beneficent example of the course to be pursued in similar emergencies by other nations.

If, unhappily, questions of difference should at any time during the period of my Administration arise between the United States and any foreign government, it will certainly be my disposition and my hope to aid in their settlement in the same peaceful and honorable way, thus securing to our country the great blessings of peace and mutual good offices with all the nations of the world.

Fellow-citizens, we have reached the close of a political contest marked by the excitement which usually attends the contests between great political parties whose members espouse and advocate with earnest faith their respective creeds. The circumstances were, perhaps, in no respect extraordinary save in the closeness and the consequent uncertainty of the result.

For the first time in the history of the country it has been deemed best, in view of the peculiar circumstances of the case, that the objections and questions in dispute with reference to the counting of the electoral votes should be referred to the decision of a tribunal appointed for this purpose.

That tribunal—established by law for this sole purpose; its members, all of them, men of long-established reputation for integrity and intelligence, and, with the exception of those who are also members of the supreme judiciary, chosen equally from both political parties; its deliberations enlightened by the research and the arguments of able counsel—was entitled to the fullest confidence of the American people. Its decisions have been patiently waited for, and accepted as legally conclusive by the general judgment of the public. For the present, opinion will widely vary as to the wisdom of the several conclusions announced by that tribunal. This is to be anticipated in every instance where matters of dispute are made the subject of arbitration under the forms of law. Human judgment is never unerring, and is rarely regarded as otherwise than wrong by the unsuccessful party in the contest.

The fact that two great political parties have in this way settled a dispute in regard to which good men differ as to the facts and the law no less than as to the proper course to be pursued in solving the question in controversy is an occasion for general rejoicing.

Upon one point there is entire unanimity in public sentiment—that conflicting claims to the Presidency must be amicably and peaceably adjusted, and that when so adjusted the general acquiescence of the nation ought surely to follow.

It has been reserved for a government of the people, where the right of suffrage is universal, to give to the world the first example in history of a great nation, in the midst of the struggle of opposing parties for power, hushing its party tumults to yield the issue of the contest to adjustment according to the forms of law.

Looking for the guidance of that Divine Hand by which the destinies of nations and individuals are shaped, I call upon you, Senators, Representatives, judges, fellow-citizens, here and everywhere, to unite with me in an earnest effort to secure to our country the blessings, not only of material prosperity, but of justice, peace, and union—a union depending not upon the constraint of force, but upon the loving devotion of a free people; "and that all things may be so ordered and settled upon the best and surest foundations that peace and happiness, truth and justice, religion and piety, may be established among us for all generations."

MARCH 5, 1877.

PROCLAMATIONS.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas the final adjournment of the Forty-fourth Congress without making the usual appropriations for the support of the Army for the fiscal year ending June 30, 1878, presents an extraordinary occasion requiring the President to exercise the power vested in him by the Constitution to convene the Houses of Congress in anticipation of the day fixed by law for their next meeting:

Now, therefore, I, Rutherford B. Hayes, President of the United States, do, by virtue of the power to this end in me vested by the Constitution, convene both Houses of Congress to assemble at their respective chambers at 12 o'clock noon on Monday, the 15th day of October next, then and there to consider and determine such measures as in their wisdom their duty and the welfare of the people may seem to demand.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 5th day of May, A. D. 1877, and of the Independence of the United States of America the one hundred and first.

R. B. HAYES.

By the President:

WM. M. EVARTS, *Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas it is provided in the Constitution of the United States that the United States shall protect every State in this Union, on application of the legislature, or of the executive (when the legislature can not be convened), against domestic violence; and

Whereas the governor of the State of West Virginia has represented that domestic violence exists in said State at Martinsburg, and at various other points along the line of the Baltimore and Ohio Railroad in said State, which the authorities of said State are unable to suppress; and

Whereas the laws of the United States require that in all cases of insurrection in any State or of obstruction to the laws thereof, whenever it may be necessary, in the judgment of the President, he shall forthwith, by proclamation, command such insurgents to disperse and retire peaceably to their respective abodes within a limited time:

Now, therefore, I, Rutherford B. Hayes, President of the United States, do hereby admonish all good citizens of the United States and all persons within the territory and jurisdiction of the United States against aiding, countenancing, abetting, or taking part in such unlawful proceedings; and I do hereby warn all persons engaged in or connected with said domestic violence and obstruction of the laws to disperse and retire peaceably to their respective abodes on or before 12 o'clock noon of the 19th day of July instant.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 18th day of July, A. D. 1877, and of the Independence of the United States of America the one hundred and second.

R. B. HAYES.

By the President:

F. W. SEWARD, *Acting Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas it is provided in the Constitution of the United States that the United States shall protect every State in this Union, on application of the legislature, or of the executive (when the legislature can not be convened), against domestic violence; and

Whereas the governor of the State of Maryland has represented that domestic violence exists in said State at Cumberland, and along the line of the Baltimore and Ohio Railroad in said State, which the authorities of said State are unable to suppress; and

Whereas the laws of the United States require that in all cases of insurrection in any State or of obstruction to the laws thereof, whenever, in the judgment of the President, it becomes necessary to use the military forces to suppress such insurrection or obstruction to the laws, he shall forthwith, by proclamation, command such insurgents to disperse and retire peaceably to their respective abodes within a limited time:

Now, therefore, I, Rutherford B. Hayes, President of the United States, do hereby admonish all good citizens of the United States and all persons within the territory and jurisdiction of the United States against aiding, countenancing, abetting, or taking part in such unlawful proceedings; and I do hereby warn all persons engaged in or connected with said domestic violence and obstruction of the laws to disperse and retire peaceably to their respective abodes on or before noon of the 22d day of July instant.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 21st day of July, A. D. 1877, and of the Independence of the United States of America the one hundred and second.

R. B. HAYES.

By the President:

WM. M. EVARTS,
Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas it is provided in the Constitution of the United States that the United States shall protect every State in this Union, on application of the legislature, or of the executive (when the legislature can not be convened), against domestic violence; and

Whereas the governor of the State of Pennsylvania has represented that domestic violence exists in said State which the authorities of said State are unable to suppress; and

Whereas the laws of the United States require that in all cases of insurrection in any State or of obstruction to the laws thereof, whenever, in the judgment of the President, it becomes necessary to use the military forces to suppress such insurrection or obstruction to the laws, he shall forthwith, by proclamation, command such insurgents to disperse and retire peaceably to their respective abodes within a limited time:

Now, therefore, I, Rutherford B. Hayes, President of the United States, do hereby admonish all good citizens of the United States and all persons within the territory and jurisdiction of the United States against aiding, countenancing, abetting, or taking part in such unlawful proceedings; and I do hereby warn all persons engaged in or connected with said domestic violence and obstruction of the laws to disperse and retire peaceably to their respective abodes on or before 12 o'clock noon of the 24th day of July instant.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 23d day of July, A. D. 1877, and of the Independence of the United States of America the one hundred and second.

R. B. HAYES.

By the President:

WM. M. EVARTS,
Secretary of State.

EXECUTIVE ORDERS.

EXECUTIVE MANSION,
Washington, May 9, 1877.

SIR:* The President directs me to say that the several Departments of the Government will be closed on Wednesday, the 30th instant, to enable the employees to participate in the decoration of the graves of the soldiers who fell during the rebellion.

I am, sir, your obedient servant,

W. K. ROGERS,
Secretary.

EXECUTIVE MANSION,
Washington, May 26, 1877.

Hon. JOHN SHERMAN,
Secretary of the Treasury.

MY DEAR SIR: I have read the partial report of the commission appointed to examine the New York custom-house. I concur with the commission in their recommendations. It is my wish that the collection of the revenues should be free from partisan control, and organized on a strictly business basis, with the same guaranties for efficiency and fidelity in the selection of the chief and subordinate officers that would be required by a prudent merchant. Party leaders should have no more influence in appointments than other equally respectable citizens. No assessments for political purposes on officers or subordinates should be allowed. No useless officer or employee should be retained. No officer should be required or permitted to take part in the management of political organizations, caucuses, conventions, or election campaigns. Their right to vote and to express their views on public questions, either orally or through the press, is not denied, provided it does not interfere with the discharge of their official duties.

Respectfully,

R. B. HAYES.

EXECUTIVE MANSION,
Washington, June 22, 1877.

SIR:† I desire to call your attention to the following paragraph in a letter addressed by me to the Secretary of the Treasury on the conduct to be observed by officers of the General Government in relation to the elections:

> No officer should be required or permitted to take part in the management of political organizations, caucuses, conventions, or election campaigns. Their right

---

* Addressed to the heads of the Executive Departments, etc.

† Addressed to Federal officers generally.

to vote and to express their views on public questions, either orally or through the press, is not denied, provided it does not interfere with the discharge of their official duties. No assessment for political purposes on officers or subordinates should be allowed.

This rule is applicable to every department of the civil service. It should be understood by every officer of the General Government that he is expected to conform his conduct to its requirements.

Very respectfully,

R. B. HAYES.

EXECUTIVE MANSION, *August 7, 1877*.

By virtue of authority conferred upon the President of the United States by the provisions of section 2132, Revised Statutes of the United States, as follows:

> The President is authorized, whenever in his opinion the public interest may require the same, to prohibit the introduction of goods, or of any particular article, into the country belonging to any Indian tribe, and to direct all licenses to trade with such tribe to be revoked and all applications therefor to be rejected. No trader to any other tribe shall, so long as such prohibition may continue, trade with any Indians of or for the tribe against which such prohibition is issued—

the introduction into the Indian country, for the purpose of sale or exchange to or with Indians, of any breech-loading firearms, and of any special ammunition adapted to such arms, and the sale and exchange to Indians in the Indian country of any such arms or ammunition, is hereby prohibited; and it is hereby directed that all authority under any license to trade in such arms or ammunition is hereby revoked.

The introduction into the country or district occupied by any tribe of hostile Indians, for the purpose of sale or exchange to them, of arms or ammunition of any description, and the sale or exchange thereof to or with such Indians, is hereby prohibited; and it is hereby directed that all license to trade in arms or ammunition of any description with such tribe be revoked.

By virtue of section 2150, Revised Statutes, as follows:

> The military forces of the United States may be employed in such manner and under such regulations as the President may direct—

* * * * * * *

> Third. In preventing the introduction of persons and property into the Indian country contrary to law, which persons and property shall be proceeded against according to law.

* * * * * * *

all military commanders are hereby charged with the duty of assisting in the execution of the above order and of Executive order of November 23, 1876,[*] the provisions of which are extended to include all Indian country within the Territories of Idaho, Utah, and Washington and the States of Nevada and Oregon.

R. B. HAYES.

---

[*] See pp. 4352-4353.

SPECIAL SESSION MESSAGE.

WASHINGTON, *October 15, 1877.*

Fellow-Citizens of the Senate and House of Representatives:

The adjournment of the last Congress without making appropriations for the support of the Army for the present fiscal year has rendered necessary a suspension of payments to the officers and men of the sums due them for services rendered after the 30th day of June last. The Army exists by virtue of statutes which prescribe its numbers, regulate its organization and employment, and which fix the pay of its officers and men and declare their right to receive the same at stated periods. These statutes, however, do not authorize the payment of the troops in the absence of specific appropriations therefor. The Constitution has wisely provided that "no money shall be drawn from the Treasury but in consequence of appropriations made by law;" and it has also been declared by statute that "no department of the Government shall expend in any one fiscal year any sum in excess of appropriations made by Congress for that fiscal year." We have, therefore, an Army in service, authorized by law and entitled to be paid, but no funds available for that purpose.

It may also be said, as an additional incentive to prompt action by Congress, that since the commencement of the fiscal year the Army, though without pay, has been constantly and actively employed in arduous and dangerous service, in the performance of which both officers and men have discharged their duty with fidelity and courage and without complaint. These circumstances, in my judgment, constituted an extraordinary occasion requiring that Congress be convened in advance of the time prescribed by law for your meeting in regular session. The importance of speedy action upon this subject on the part of Congress is so manifest that I venture to suggest the propriety of making the necessary appropriations for the support of the Army for the current year at its present maximum numerical strength of 25,000 men, leaving for future consideration all questions relating to an increase or decrease of the number of enlisted men. In the event of the reduction of the Army by subsequent legislation during the fiscal year, the excess of the appropriation could not be expended; and in the event of its enlargement the additional sum required for the payment of the extra force could be provided in due time. It would be unjust to the troops now in service, and whose pay is already largely in arrears, if payment to them should be further postponed until after Congress shall have considered all the questions likely to arise in the effort to fix the proper limit to the strength of the Army.

Estimates of appropriations for the support of the military establishment for the fiscal year ending June 30, 1878, were transmitted to Congress by the former Secretary of the Treasury at the opening of its session in December last. These estimates, modified by the present Secretary so as to conform to present requirements, are now renewed, amounting to $32,436,764.98, and, having been transmitted to both Houses of Congress, are submitted for your consideration.

There is also required by the Navy Department $2,003,861.24. This sum is made up of $1,446,688.16 due to officers and enlisted men for the last quarter of the last fiscal year; $311,953.50 due for advances made by the fiscal agent of the Government in London for the support of the foreign service; $50,000 due to the naval-hospital fund; $150,000 due for arrearages of pay to officers, and $45,219.58 for the support of the Marine Corps.

There will also be needed an appropriation of $262,535.22 to defray the unsettled expenses of the United States courts for the fiscal year ending June 30 last, now due to attorneys, clerks, commissioners, and marshals, and for rent of court rooms, the support of prisoners, and other deficiencies.

A part of the building of the Interior Department was destroyed by fire on the 24th of last month. Some immediate repairs and temporary structures have in consequence become necessary, estimates for which will be transmitted to Congress immediately, and an appropriation of the requisite funds is respectfully recommended.

The Secretary of the Treasury will communicate to Congress, in connection with the estimates for the appropriations for the support of the Army for the current fiscal year, estimates for such other deficiencies in the different branches of the public service as require immediate action and can not without inconvenience be postponed until the regular session.

I take this opportunity also to invite your attention to the propriety of adopting at your present session the necessary legislation to enable the people of the United States to participate in the advantages of the International Exhibition of Agriculture, Industry, and the Fine Arts which is to be held at Paris in 1878, and in which this Government has been invited by the Government of France to take part.

This invitation was communicated to this Government in May, 1876, by the minister of France at this capital, and a copy thereof was submitted to the proper committees of Congress at its last session, but no action was taken upon the subject.

The Department of State has received many letters from various parts of the country expressing a desire to participate in the exhibition, and numerous applications of a similar nature have also been made at the United States legation at Paris.

The Department of State has also received official advice of the strong desire on the part of the French Government that the United States should participate in this enterprise, and space has hitherto been and still is reserved in the exhibition buildings for the use of exhibitors from the United States, to the exclusion of other parties who have been applicants therefor.

In order that our industries may be properly represented at the exhibition, an appropriation will be needed for the payment of salaries and expenses of commissioners, for the transportation of goods, and for other purposes in connection with the object in view; and as May next is the time fixed for the opening of the exhibition, if our citizens are to share the advantages of this international competition for the trade of other nations the necessity of immediate action is apparent.

To enable the United States to cooperate in the international exhibition which was held at Vienna in 1873, Congress then passed a joint resolution making an appropriation of $200,000 and authorizing the President to appoint a certain number of practical artisans and scientific men who should attend the exhibition and report their proceedings and observations to him. Provision was also made for the appointment of a number of honorary commissioners.

I have felt that prompt action by Congress in accepting the invitation of the Government of France is of so much interest to the people of this country and so suitable to the cordial relations between the Governments of the two countries that the subject might properly be presented for attention at your present session.

The Government of Sweden and Norway has addressed an official invitation to this Government to take part in the International Prison Congress to be held at Stockholm next year. The problem which the congress proposes to study—how to diminish crime—is one in which all civilized nations have an interest in common, and the congress of Stockholm seems likely to prove the most important convention ever held for the study of this grave question. Under authority of a joint resolution of Congress approved February 16, 1875, a commissioner was appointed by my predecessor to represent the United States upon that occasion, and the Prison Congress having been, at the earnest desire of the Swedish Government, postponed to 1878, his commission was renewed by me. An appropriation of $8,000 was made in the sundry civil act of 1875 to meet the expenses of the commissioner. I recommend the reappropriation of that sum for the same purpose, the former appropriation having been covered into the Treasury and being no longer available for the purpose without further action by Congress. The subject is brought to your attention at this time in view of circumstances which render it highly desirable that the commissioner should proceed to the discharge of his important duties immediately.

As the several acts of Congress providing for detailed reports from the different Departments of the Government require their submission at the beginning of the regular annual session, I defer until that time any further reference to subjects of public interest.

R. B. HAYES.

SPECIAL MESSAGES.

EXECUTIVE MANSION,
Washington, D. C., October 17, 1877.

To the Senate and House of Representatives:

I have the honor to transmit herewith the report of a board of inquiry appointed by the Secretary of the Interior to examine into the causes of the fire which destroyed a part of the Interior Department building on the 24th of last month.

R. B. HAYES.

EXECUTIVE MANSION,
Washington, D. C., October 17, 1877.

To the Senate and House of Representatives:

I have the honor to transmit herewith a report of the Secretary of the Navy, setting forth the particulars with reference to the existing deficiencies in the Navy Department.

R. B. HAYES.

WASHINGTON, *November 12, 1877.*

To the House of Representatives:

In answer to the resolution of the House of Representatives of the 1st instant, I transmit herewith reports from the Secretary of State and the Secretary of War, with their accompanying papers.*

R. B. HAYES.

WASHINGTON, *November 12, 1877.*

To the House of Representatives:

In answer to the resolution of the House of Representatives of the 5th instant, I transmit herewith reports from the Secretary of State and the Secretary of the Treasury, with their accompanying documents.†

R. B. HAYES.

EXECUTIVE MANSION, *November 12, 1877.*

To the Senate of the United States:

In compliance with the resolution of the Senate of the 16th of October, 1877, I have the honor to transmit herewith a statement of the appropriations and expenditures by the Navy Department from the 4th of March, 1789, to June 30, 1876.

A similar statement for the War Department is being prepared as rapidly as the limited clerical force in the Treasury Department will permit, and when completed will be transmitted to the Senate.

---

*Correspondence relative to Mexican border troubles.

†Correspondence relative to the imposition of a differential duty of 50 cents per ton upon Spanish vessels entering ports of the United States.

R. B. HAYES.

EXECUTIVE MANSION, *November 12, 1877.*

To the Senate of the United States:

In compliance with the resolution of the Senate of the 30th of October, 1877, I have the honor to transmit herewith a statement of the annual appropriations and expenditures for army and navy pensions, showing also the repayments, the amounts carried to the surplus fund, and the net expenditures under each appropriation from March 4, 1789, to June 30, 1876.

R. B. HAYES.

WASHINGTON, *November 14, 1877.*

To the Senate of the United States:

In answer to the resolution of the Senate of the 8th instant, I transmit herewith a report* from the Secretary of State.

R. B. HAYES.

WASHINGTON, D. C., *November 15, 1877.*

To the House of Representatives:

I transmit to the House of Representatives, in answer to its resolution of the 12th instant, a report † from the Secretary of State.

R. B. HAYES.

WASHINGTON, *November 20, 1877.*

To the House of Representatives:

In answer to a joint resolution of the House of Representatives of the 6th instant, requesting the opinions of the heads of the Departments respecting the obligatory use of the metrical system of weights and measures, I transmit herewith a report from the Secretary of State.

R. B. HAYES.

WASHINGTON, *November 27, 1877.*

To the Senate of the United States:

I transmit to the Senate, for its consideration with a view to ratification, a declaration between the United States and the Government of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, for the reciprocal protection of the marks of manufacture and trade in the two countries, signed on the 24th of October, 1877.

R. B. HAYES.

---

*Stating that the information relative to the forcible rescue of two prisoners from the jail of Starr County, Tex., by an armed band of Mexicans had been transmitted by the President to the House of Representatives on the 12th instant.

† Relating to the indemnity paid by Spain on account of the execution of General Ryan and others at Santiago de Cuba.

PROCLAMATION.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

The completed circle of summer and winter, seedtime and harvest, has brought us to the accustomed season at which a religious people celebrates with praise and thanksgiving the enduring mercy of Almighty God. This devout and public confession of the constant dependence of man upon the divine favor for all the good gifts of life and health and peace and happiness, so early in our history made the habit of our people, finds in the survey of the past year new grounds for its joyful and grateful manifestation.

In all the blessings which depend upon benignant seasons, this has indeed been a memorable year. Over the wide territory of our country, with all its diversity of soil and climate and products, the earth has yielded a bountiful return to the labor of the husbandman. The health of the people has been blighted by no prevalent or widespread diseases. No great disasters of shipwreck upon our coasts or to our commerce on the seas have brought loss and hardship to merchants or mariners and clouded the happiness of the community with sympathetic sorrow.

In all that concerns our strength and peace and greatness as a nation; in all that touches the permanence and security of our Government and the beneficent institutions on which it rests; in all that affects the character and dispositions of our people and tests our capacity to enjoy and uphold the equal and free condition of society, now permanent and universal throughout the land, the experience of the last year is conspicuously marked by the protecting providence of God and is full of promise and hope for the coming generations.

Under a sense of these infinite obligations to the Great Ruler of Times and Seasons and Events, let us humbly ascribe it to our own faults and frailties if in any degree that perfect concord and happiness, peace and justice, which such great mercies should diffuse through the hearts and lives of our people do not altogether and always and everywhere prevail. Let us with one spirit and with one voice lift up praise and thanksgiving to God for His manifold goodness to our land, His manifest care for our nation.

Now, therefore, I, Rutherford B. Hayes, President of the United States, do appoint Thursday, the 29th day of November next, as a day of national thanksgiving and prayer; and I earnestly recommend that, withdrawing themselves from secular cares and labors, the people of the United States do meet together on that day in their respective places of worship, there to give thanks and praise to Almighty God for His mercies and to devoutly beseech their continuance.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 29th day of October, A. D. 1877, and of the Independence of the United States the one hundred and second.

R. B. HAYES.

By the President:

WM. M. EVARTS,

Secretary of State.

EXECUTIVE ORDER.

EXECUTIVE MANSION,
Washington, D. C., November 2, 1877.

I lament the sad occasion which makes it my duty to testify the public respect for the eminent citizen and distinguished statesman whose death yesterday at his home in Indianapolis has been made known to the people by telegraphic announcement.

The services of Oliver P. Morton to the nation in the difficult and responsible administration of the affairs of the State of Indiana as its governor at a critical juncture of the civil war can never be overvalued by his countrymen. His long service in the Senate has shown his great powers as a legislator and as a leader and chief counselor of the political party charged with the conduct of the Government during that period.

In all things and at all times he has been able, strenuous, and faithful in the public service, and his fame with his countrymen rests upon secure foundations.

The several Executive Departments will be closed on the day of his funeral, and appropriate honors should be paid to the memory of the deceased statesman by the whole nation.

R. B. HAYES.

FIRST ANNUAL MESSAGE.

DECEMBER 3, 1877.

Fellow-Citizens of the Senate and House of Representatives:

With devout gratitude to the bountiful Giver of All Good, I congratulate you that at the beginning of your first regular session you find our country blessed with health and peace and abundant harvests, and with encouraging prospects of an early return of general prosperity.

To complete and make permanent the pacification of the country continues to be, and until it is fully accomplished must remain, the most important of all our national interests. The earnest purpose of good citizens generally to unite their efforts in this endeavor is evident. It found decided expression in the resolutions announced in 1876 by the national conventions of the leading political parties of the country. There was a widespread apprehension that the momentous results in our progress as a nation marked by the recent amendments to the Constitution were in imminent jeopardy; that the good understanding which prompted their adoption, in the interest of a loyal devotion to the general welfare, might prove a barren truce, and that the two sections of the country, once engaged in civil strife, might be again almost as widely severed and disunited as they were when arrayed in arms against each other.

The course to be pursued, which, in my judgment, seemed wisest in the presence of this emergency, was plainly indicated in my inaugural address. It pointed to the time, which all our people desire to see, when a genuine love of our whole country and of all that concerns its true welfare shall supplant the destructive forces of the mutual animosity of races and of sectional hostility. Opinions have differed widely as to the measures best calculated to secure this great end. This was to be expected. The measures adopted by the Administration have been subjected to severe and varied criticism. Any course whatever which might have been entered upon would certainly have encountered distrust and opposition. These measures were, in my judgment, such as were most in harmony with the Constitution and with the genius of our people, and best adapted, under all the circumstances, to attain the end in view. Beneficent results, already apparent, prove that these endeavors are not to be regarded as a mere experiment, and should sustain and encourage us in our efforts. Already, in the brief period which has elapsed, the immediate effectiveness, no less than the justice, of the course pursued is demonstrated, and I have an abiding faith that time will furnish its ample vindication in the minds of the great majority of my fellow-citizens. The discontinuance of the use of the Army for the purpose of upholding local governments in two States of the Union was no less a constitutional duty and requirement, under the circumstances existing at the time, than it was a much-needed measure for the restoration of local self-government and the promotion of national harmony. The withdrawal of the troops from such employment was effected deliberately, and with solicitous care for the peace and good order of society and the protection of the property and persons and every right of all classes of citizens.

The results that have followed are indeed significant and encouraging. All apprehension of danger from remitting those States to local self-government is dispelled, and a most salutary change in the minds of the people has begun and is in progress in every part of that section of the country once the theater of unhappy civil strife, substituting for suspicion, distrust, and aversion, concord, friendship, and patriotic attachment to the Union. No unprejudiced mind will deny that the terrible and often fatal collisions which for several years have been of frequent occurrence and have agitated and alarmed the public mind have almost entirely ceased, and that a spirit of mutual forbearance and hearty national interest has succeeded. There has been a general reestablishment of order and of the orderly administration of justice. Instances of remaining lawlessness have become of rare occurrence; political turmoil and turbulence have disappeared; useful industries have been resumed; public credit in the Southern States has been greatly strengthened, and the encouraging benefits of a revival of commerce between the sections of the country lately embroiled in civil war are fully enjoyed. Such are some of the results already attained, upon which the country is to be congratulated. They are of such importance that we may with confidence patiently await the desired consummation that will surely come with the natural progress of events.

It may not be improper here to say that it should be our fixed and unalterable determination to protect by all available and proper means under the Constitution and the laws the lately emancipated race in the enjoyment of their rights and privileges; and I urge upon those to whom heretofore the colored people have sustained the relation of bondmen the wisdom and justice of humane and liberal local legislation with respect to their education and general welfare. A firm adherence to the laws, both national and State, as to the civil and political rights of the colored people, now advanced to full and equal citizenship; the immediate repression and sure punishment by the national and local authorities, within their respective jurisdictions, of every instance of lawlessness and violence toward them, is required for the security alike of both races, and is justly demanded by the public opinion of the country and the age. In this way the restoration of harmony and good will and the complete protection of every citizen in the full enjoyment of every constitutional right will surely be attained. Whatever authority rests with me to this end I shall not hesitate to put forth.

Whatever belongs to the power of Congress and the jurisdiction of the courts of the Union, they may confidently be relied upon to provide and perform; and to the legislatures, the courts, and the executive authorities of the several States I earnestly appeal to secure, by adequate, appropriate, and seasonable means, within their borders, these common and uniform rights of a united people which loves liberty, abhors oppression, and reveres justice. These objects are very dear to my heart. I shall continue most earnestly to strive for their attainment. The cordial cooperation of all classes, of all sections of the country and of both races, is required for this purpose; and with these blessings assured, and not otherwise, we may safely hope to hand down our free institutions of government unimpaired to the generations that will succeed us.

Among the other subjects of great and general importance to the people of this country, I can not be mistaken, I think, in regarding as preeminent the policy and measures which are designed to secure the restoration of the currency to that normal and healthful condition in which, by the resumption of specie payments, our internal trade and foreign commerce may be brought into harmony with the system of exchanges which is based upon the precious metals as the intrinsic money of the world. In the public judgment that this end should be sought and compassed as speedily and securely as the resources of the people and the wisdom of their Government can accomplish, there is a much greater degree of unanimity than is found to concur in the specific measures which will bring the country to this desired end or the rapidity of the steps by which it can be safely reached.

Upon a most anxious and deliberate examination, which I have felt it my duty to give to the subject, I am but the more confirmed in the opinion which I expressed in accepting the nomination for the Presidency, and again upon my inauguration, that the policy of resumption should be pursued by every suitable means, and that no legislation would be wise that should disparage the importance or retard the attainment of that result. I have no disposition, and certainly no right, to question the sincerity or the intelligence of opposing opinions, and would neither conceal nor undervalue the considerable difficulties, and even occasional distresses, which may attend the progress of the nation toward this primary condition to its general and permanent prosperity. I must, however, adhere to my most earnest conviction that any wavering in purpose or unsteadiness in methods, so far from avoiding or reducing the inconvenience inseparable from the transition from an irredeemable to a redeemable paper currency, would only tend to increased and prolonged disturbance in values, and unless retrieved must end in serious disorder, dishonor, and disaster in the financial affairs of the Government and of the people.

The mischiefs which I apprehend and urgently deprecate are confined to no class of the people, indeed, but seem to me most certainly to threaten the industrious masses, whether their occupations are of skilled or common labor. To them, it seems to me, it is of prime importance that their labor should be compensated in money which is itself fixed in exchangeable value by being irrevocably measured by the labor necessary to its production. This permanent quality of the money of the people is sought for, and can only be gained by the resumption of specie payments. The rich, the speculative, the operating, the money-dealing classes may not always feel the mischiefs of, or may find casual profits in, a variable currency, but the misfortunes of such a currency to those who are paid salaries or wages are inevitable and remediless.

Closely connected with this general subject of the resumption of specie payments is one of subordinate, but still of grave, importance; I mean the readjustment of our coinage system by the renewal of the silver dollar as an element in our specie currency, endowed by legislation with the quality of legal tender to a greater or less extent.

As there is no doubt of the power of Congress under the Constitution "to coin money and regulate the value thereof," and as this power covers the whole range of authority applicable to the metal, the rated value and the legal-tender quality which shall be adopted for the coinage, the considerations which should induce or discourage a particular measure connected with the coinage, belong clearly to the province of legislative discretion and of public expediency. Without intruding upon this province of legislation in the least, I have yet thought the subject of such critical importance, in the actual condition of our affairs, as to present an occasion for the exercise of the duty imposed by the Constitution on the President of recommending to the consideration of Congress "such measures as he shall judge necessary and expedient."

Holding the opinion, as I do, that neither the interests of the Government nor of the people of the United States would be promoted by disparaging silver as one of the two precious metals which furnish the coinage of the world, and that legislation which looks to maintaining the volume of intrinsic money to as full a measure of both metals as their relative commercial values will permit would be neither unjust nor inexpedient, I must ask your indulgence to a brief and definite statement of certain essential features in any such legislative measure which I feel it my duty to recommend.

I do not propose to enter the debate, represented on both sides by such able disputants in Congress and before the people and in the press, as to the extent to which the legislation of any one nation can control this question, even within its own borders, against the unwritten laws of trade or the positive laws of other governments. The wisdom of Congress in shaping any particular law that may be presented for my approval may wholly supersede the necessity of my entering into these considerations, and I willingly avoid either vague or intricate inquiries. It is only certain plain and practical traits of such legislation that I desire to recommend to your attention.

In any legislation providing for a silver coinage, regulating its value, and imparting to it the quality of legal tender, it seems to me of great importance that Congress should not lose sight of its action as operating in a twofold capacity and in two distinct directions. If the United States Government were free from a public debt, its legislative dealing with the question of silver coinage would be purely sovereign and governmental, under no restraints but those of constitutional power and the public good as affected by the proposed legislation. But in the actual circumstances of the nation, with a vast public debt distributed very widely among our own citizens and held in great amounts also abroad, the nature of the silver-coinage measure, as affecting this relation of the Government to the holders of the public debt, becomes an element, in any proposed legislation, of the highest concern. The obligation of the public faith transcends all questions of profit or public advantage otherwise. Its unquestionable maintenance is the dictate as well of the highest expediency as of the most necessary duty, and will ever be carefully guarded by Congress and people alike.

The public debt of the United States to the amount of $729,000,000 bears interest at the rate of 6 per cent, and $708,000,000 at the rate of 5 per cent, and the only way in which the country can be relieved from the payment of these high rates of interest is by advantageously refunding the indebtedness. Whether the debt is ultimately paid in gold or in silver coin is of but little moment compared with the possible reduction of interest one-third by refunding it at such reduced rate. If the United States had the unquestioned right to pay its bonds in silver coin, the little benefit from that process would be greatly overbalanced by the injurious effect of such payment if made or proposed against the honest convictions of the public creditors.

All the bonds that have been issued since February 12, 1873, when gold became the only unlimited legal-tender metallic currency of the country, are justly payable in gold coin or in coin of equal value. During the time of these issues the only dollar that could be or was received by the Government in exchange for bonds was the gold dollar. To require the public creditors to take in repayment any dollar of less commercial value would be regarded by them as a repudiation of the full obligation assumed. The bonds issued prior to 1873 were issued at a time when the gold dollar was the only coin in circulation or contemplated by either the Government or the holders of the bonds as the coin in which they were to be paid. It is far better to pay these bonds in that coin than to seem to take advantage of the unforeseen fall in silver bullion to pay in a new issue of silver coin thus made so much less valuable. The power of the United States to coin money and to regulate the value thereof ought never to be exercised for the purpose of enabling the Government to pay its obligations in a coin of less value than that contemplated by the parties when the bonds were issued. Any attempt to pay the national indebtedness in a coinage of less commercial value than the money of the world would involve a violation of the public faith and work irreparable injury to the public credit.

It was the great merit of the act of March, 1869, in strengthening the public credit, that it removed all doubt as to the purpose of the United States to pay their bonded debt in coin. That act was accepted as a pledge of public faith. The Government has derived great benefit from it in the progress thus far made in refunding the public debt at low rates of interest. An adherence to the wise and just policy of an exact observance of the public faith will enable the Government rapidly to reduce the burden of interest on the national debt to an amount exceeding

$20,000,000 per annum, and effect an aggregate saving to the United States of more than $300,000,000 before the bonds can be fully paid.

In adapting the new silver coinage to the ordinary uses of currency in the everyday transactions of life and prescribing the quality of legal tender to be assigned to it, a consideration of the first importance should be so to adjust the ratio between the silver and the gold coinage, which now constitutes our specie currency, as to accomplish the desired end of maintaining the circulation of the two metallic currencies and keeping up the volume of the two precious metals as our intrinsic money. It is a mixed question, for scientific reasoning and historical experience to determine, how far and by what methods a practical equilibrium can be maintained which will keep both metals in circulation in their appropriate spheres of common use.

An absolute equality of commercial value, free from disturbing fluctuations, is hardly attainable, and without it an unlimited legal tender for private transactions assigned to both metals would irresistibly tend to drive out of circulation the dearer coinage and disappoint the principal object proposed by the legislation in view. I apprehend, therefore, that the two conditions of a near approach to equality of commercial value between the gold and silver coinage of the same denomination and of a limitation of the amounts for which the silver coinage is to be a legal tender are essential to maintaining both in circulation. If these conditions can be successfully observed, the issue from the mint of silver dollars would afford material assistance to the community in the transition to redeemable paper money, and would facilitate the resumption of specie payment and its permanent establishment. Without these conditions I fear that only mischief and misfortune would flow from a coinage of silver dollars with the quality of unlimited legal tender, even in private transactions.

Any expectation of temporary ease from an issue of silver coinage to pass as a legal tender at a rate materially above its commercial value is, I am persuaded, a delusion. Nor can I think that there is any substantial distinction between an original issue of silver dollars at a nominal value materially above their commercial value and the restoration of the silver dollar at a rate which once was, but has ceased to be, its commercial value. Certainly the issue of our gold coinage, reduced in weight materially below its legal-tender value, would not be any the less a present debasement of the coinage by reason of its equaling, or even exceeding, in weight a gold coinage which at some past time had been commercially equal to the legal-tender value assigned to the new issue.

In recommending that the regulation of any silver coinage which may be authorized by Congress should observe these conditions of commercial value and limited legal tender, I am governed by the feeling that every possible increase should be given to the volume of metallic money which can be kept in circulation, and thereby every possible aid afforded to the people in the process of resuming specie payments. It is because of my firm conviction that a disregard of these conditions would frustrate the good results which are desired from the proposed coinage, and embarrass with new elements of confusion and uncertainty the business of the country, that I urge upon your attention these considerations.

I respectfully recommend to Congress that in any legislation providing for a silver coinage and imparting to it the quality of legal tender there be impressed upon the measure a firm provision exempting the public debt heretofore issued and now outstanding from payment, either of principal or interest, in any coinage of less commercial value than the present gold coinage of the country.

The organization of the civil service of the country has for a number of years attracted more and more of the public attention. So general has become the opinion that the methods of admission to it and the conditions of remaining in it are unsound that both the great political parties have agreed in the most explicit declarations of the necessity of reform and in the most emphatic demands for it. I have fully believed these declarations and demands to be the expression of a sincere conviction of the intelligent masses of the people upon the subject, and that they should be recognized and followed by earnest and prompt action on the part of the legislative and executive departments of the Government, in pursuance of the purpose indicated.

Before my accession to office I endeavored to have my own views distinctly understood, and upon my inauguration my accord with the public opinion was stated in terms believed to be plain and unambiguous. My experience in the executive duties has strongly confirmed the belief in the great advantage the country would find in observing strictly the plan of the Constitution, which imposes upon the Executive the sole duty and responsibility of the selection of those Federal officers who by law are appointed, not elected, and which in like manner assigns to the Senate the complete right to advise and consent to or to reject the nominations so made, whilst the House of Representatives stands as the public censor of the performance of official duties, with the prerogative of investigation and prosecution in all cases of dereliction. The blemishes and imperfections in the civil service may, as I think, be traced in most cases to a practical confusion of the duties assigned to the several Departments of the Government. My purpose in this respect has been to return to the system established by the fundamental law, and to do this with the heartiest cooperation and most cordial understanding with the Senate and House of Representatives.

The practical difficulties in the selection of numerous officers for posts of widely varying responsibilities and duties are acknowledged to be very great. No system can be expected to secure absolute freedom from mistakes, and the beginning of any attempted change of custom is quite likely to be more embarrassed in this respect than any subsequent period.

It is here that the Constitution seems to me to prove its claim to the great wisdom accorded to it. It gives to the Executive the assistance of the knowledge and experience of the Senate, which, when acting upon nominations as to which they may be disinterested and impartial judges, secures as strong a guaranty of freedom from errors of importance as is perhaps possible in human affairs.

In addition to this, I recognize the public advantage of making all nominations, as nearly as possible, impersonal, in the sense of being free from mere caprice or favor in the selection; and in those offices in which special training is of greatly increased value I believe such a rule as to the tenure of office should obtain as may induce men of proper qualifications to apply themselves industriously to the task of becoming proficients. Bearing these things in mind, I have endeavored to reduce the number of changes in subordinate places usually made upon the change of the general administration, and shall most heartily cooperate with Congress in the better systematizing of such methods and rules of admission to the public service and of promotion within it as may promise to be most successful in making thorough competency, efficiency, and character the decisive tests in these matters.

I ask the renewed attention of Congress to what has already been done by the Civil Service Commission, appointed, in pursuance of an act of Congress, by my predecessor, to prepare and revise civil-service rules. In regard to much of the departmental service, especially at Washington, it may be difficult to organize a better system than that which has thus been provided, and it is now being used to a considerable extent under my direction. The Commission has still a legal existence, although for several years no appropriation has been made for defraying its expenses. Believing that this Commission has rendered valuable service and will be a most useful agency in improving the administration of the civil service, I respectfully recommend that a suitable appropriation, to be immediately available, be made to enable it to continue its labors.

It is my purpose to transmit to Congress as early as practicable a report by the chairman of the Commission, and to ask your attention to such measures on this subject as in my opinion will further promote the improvement of the civil service.

During the past year the United States have continued to maintain peaceful relations with foreign powers.

The outbreak of war between Russia and Turkey, though at one time attended by grave apprehension as to its effect upon other European nations, has had no tendency to disturb the amicable relations existing between the United States and each of the two contending powers. An attitude of just and impartial neutrality has been preserved, and I am gratified to state that in the midst of their hostilities both the Russian and the Turkish Governments have shown an earnest disposition to adhere to the obligations of all treaties with the United States and to give due regard to the rights of American citizens.

By the terms of the treaty defining the rights, immunities, and privileges of consuls, between Italy and the United States, ratified in 1868, either Government may, after the lapse of ten years, terminate the existence of the treaty by giving twelve months' notice of its intention. The Government of Italy, availing itself of this faculty, has now given the required notice, and the treaty will accordingly end on the 17th of September, 1878. It is understood, however, that the Italian Government wishes to renew it in its general scope, desiring only certain modifications in some of its articles. In this disposition I concur, and shall hope that no serious obstacles may intervene to prevent or delay the negotiation of a satisfactory treaty.

Numerous questions in regard to passports, naturalization, and exemption from military service have continued to arise in cases of emigrants from Germany who have returned to their native country. The provisions of the treaty of February 22, 1868, however, have proved to be so ample and so judicious that the legation of the United States at Berlin has been able to adjust all claims arising under it, not only without detriment to the amicable relations existing between the two Governments, but, it is believed, without injury or injustice to any duly naturalized American citizen. It is desirable that the treaty originally made with the North German Union in 1868 should now be extended so as to apply equally to all the States of the Empire of Germany.

The invitation of the Government of France to participate in the Exposition of the Products of Agriculture, Industry, and the Fine Arts to be held at Paris during the coming year was submitted for your consideration at the extra session. It is not doubted that its acceptance by the United States, and a well-selected exhibition of the products of American industry on that occasion, will tend to stimulate international commerce and emigration, as well as to promote the traditional friendship between the two countries.

A question arose some time since as to the proper meaning of the extradition articles of the treaty of 1842 between the United States and Great Britain. Both Governments, however, are now in accord in the belief that the question is not one that should be allowed to frustrate the ends of justice or to disturb the friendship between the two nations. No serious difficulty has arisen in accomplishing the extradition of criminals when necessary. It is probable that all points of disagreement will in due time be settled, and, if need be, more explicit declarations be made in a new treaty.

The Fishery Commission under Articles XVIII to XXV of the treaty of Washington has concluded its session at Halifax. The result of the deliberations of the commission, as made public by the commissioners, will be communicated to Congress.

A treaty for the protection of trade-marks has been negotiated with Great Britain, which has been submitted to the Senate for its consideration.

The revolution which recently occurred in Mexico was followed by the accession of the successful party to power and the installation of its chief, General Porfirio Diaz, in the Presidential office. It has been the custom of the United States, when such changes of government have heretofore occurred in Mexico, to recognize and enter into official relations with the *de facto* government as soon as it should appear to have the approval of the Mexican people and should manifest a disposition to adhere to the obligations of treaties and international friendship. In the present case such official recognition has been deferred by the occurrences on the Rio Grande border, the records of which have been already communicated to each House of Congress in answer to their respective resolutions of inquiry. Assurances have been received that the authorities at the seat of the Mexican Government have both the disposition and the power to prevent and punish such unlawful invasions and depredations. It is earnestly to be hoped that events may prove these assurances to be well founded. The best interests of both countries require the maintenance of peace upon the border and the development of commerce between the two Republics.

It is gratifying to add that this temporary interruption of official relations has not prevented due attention by the representatives of the United States in Mexico to the protection of American citizens, so far as practicable; nor has it interfered with the prompt payment of the amounts due from Mexico to the United States under the treaty of July 4, 1868, and the awards of the joint commission. While I do not anticipate an interruption of friendly relations with Mexico, yet I can not but look with some solicitude upon a continuance of border disorders as exposing the two countries to initiations of popular feeling and mischances of action which are naturally unfavorable to complete amity. Firmly determined that nothing shall be wanting on my part to promote a good understanding between the two nations, I yet must ask the attention of Congress to the actual occurrences on the border, that the lives and property of our citizens may be adequately protected and peace preserved.

Another year has passed without bringing to a close the protracted contest between the Spanish Government and the insurrection in the island of Cuba. While the United States have sedulously abstained from any intervention in this contest, it is impossible not to feel that it is attended with incidents affecting the rights and interests of American citizens. Apart from the effect of the hostilities upon trade between the United States and Cuba, their progress is inevitably accompanied by complaints, having more or less foundation, of searches, arrests, embargoes, and oppressive taxes upon the property of American residents, and of unprovoked interference with American vessels and commerce. It is due to the Government of Spain to say that during the past year it has promptly disavowed and offered reparation for any unauthorized acts of unduly zealous subordinates whenever such acts have been brought to its attention. Nevertheless, such occurrences can not but tend to excite feelings of annoyance, suspicion, and resentment, which are greatly to be deprecated, between the respective subjects and citizens of two friendly powers.

Much delay (consequent upon accusations of fraud in some of the awards) has occurred in respect to the distribution of the limited amounts received from Venezuela under the treaty of April 25, 1866, applicable to the awards of the joint commission created by that treaty. So long as these matters are pending in Congress the Executive can not assume either to pass upon the questions presented or to distribute the fund received. It is eminently desirable that definite legislative action should be taken, either affirming the awards to be final or providing some method for reexamination of the claims. Our relations with the Republics of Central and South America and with the Empire of Brazil have continued without serious change, further than the temporary interruption of diplomatic intercourse with Venezuela and with Guatemala. Amicable relations have already been fully restored with Venezuela, and it is not doubted that all grounds of misunderstanding with Guatemala will speedily be removed. From all these countries there are favorable indications of a disposition on the part of their Governments and people to reciprocate our efforts in the direction of increased commercial intercourse.

The Government of the Samoan Islands has sent an envoy, in the person of its secretary of state, to invite the Government of the United States to recognize and protect their independence, to establish commercial relations with their people, and to assist them in their steps toward regulated and responsible government. The inhabitants of these islands, having made considerable progress in Christian civilization and the development of trade, are doubtful of their ability to maintain peace and independence without the aid of some stronger power. The subject is deemed worthy of respectful attention, and the claims upon our assistance by this distant community will be carefully considered.

The long commercial depression in the United States has directed attention to the subject of the possible increase of our foreign trade and the methods for its development, not only with Europe, but with other countries, and especially with the States and sovereignties of the Western Hemisphere. Instructions from the Department of State were issued to the various diplomatic and consular officers of the Government, asking them to devote attention to the question of methods by which trade between the respective countries of their official residence and the United States could be most judiciously fostered. In obedience to these instructions, examinations and reports upon this subject have been made by many of these officers and transmitted to the Department, and the same are submitted to the consideration of Congress.

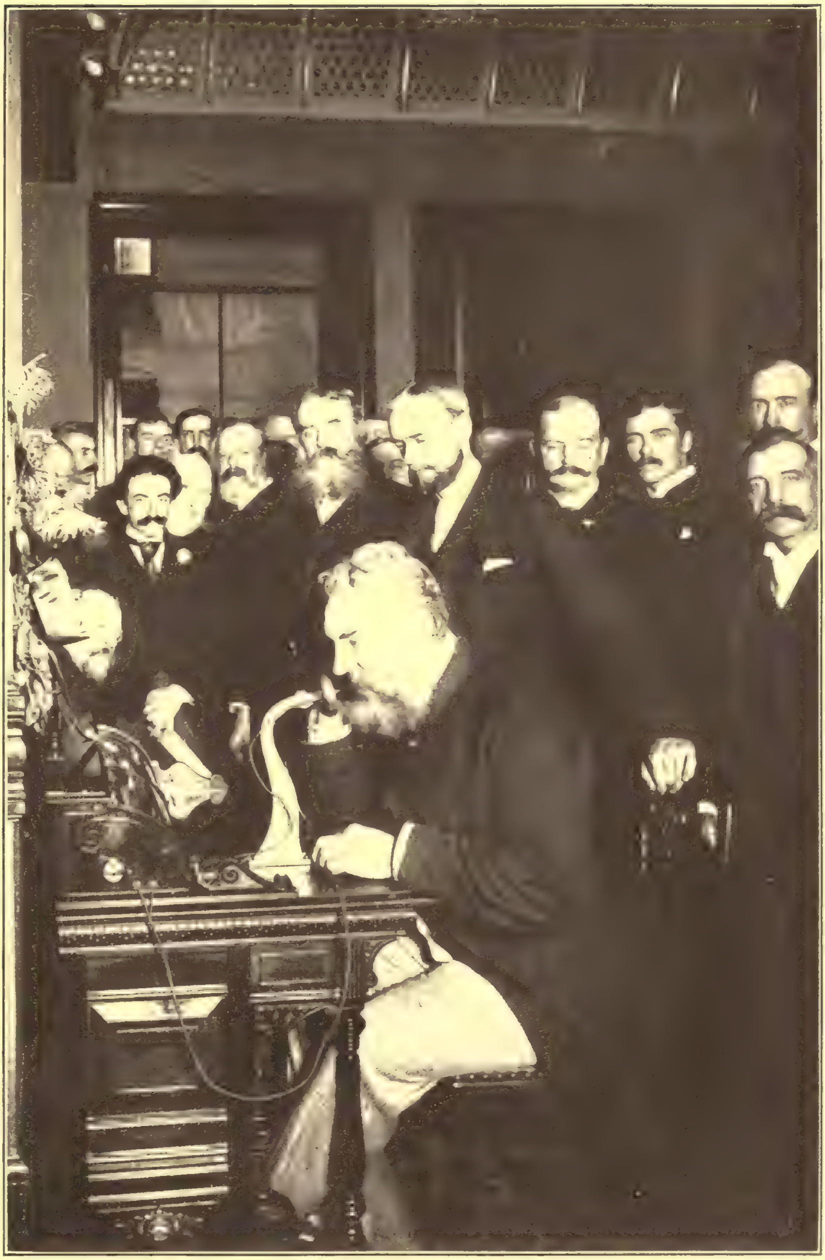
The annual report of the Secretary of the Treasury on the state of the finances presents important questions for the action of Congress, upon some of which I have already remarked.

The revenues of the Government during the fiscal year ending June 30, 1877, were $269,000,586.62; the total expenditures for the same period were $238,660,008.93, leaving a surplus revenue of $30,340,577.69. This has substantially supplied the requirements of the sinking fund for that year. The estimated revenues of the current fiscal year are $265,500,000, and the estimated expenditures for the same period are $232,430,643.72. If these estimates prove to be correct, there will be a surplus revenue of $33,069,356.28—an amount nearly sufficient for the sinking fund for that year. The estimated revenues for the next fiscal year are $269,250,000. It appears from the report that during the last fiscal year the revenues of the Government, compared with the previous year, have largely decreased. This decrease, amounting to the sum of $18,481,452.54, was mainly in customs duties, caused partly by a large falling off of the amount of imported dutiable goods and partly by the general fall of prices in the markets of production of such articles as pay *ad valorem* taxes.

While this is felt injuriously in the diminution of the revenue, it has been accompanied with a very large increase of exportations. The total exports during the last fiscal year, including coin, have been $658,637,457, and the imports have been $492,097,540, leaving a balance of trade in favor of the United States amounting to the sum of $166,539,917, the beneficial effects of which extend to all branches of business.

The estimated revenue for the next fiscal year will impose upon Congress the duty of strictly limiting appropriations, including the requisite sum for the maintenance of the sinking fund, within the aggregate estimated receipts.

While the aggregate of taxes should not be increased, amendments might be made to the revenue laws that would, without diminishing the revenue, relieve the people from unnecessary burdens. A tax on tea and coffee is shown by the experience not only of our own country, but of other countries, to be easily collected, without loss by undervaluation or fraud, and largely borne in the country of production. A tax of 10 cents a pound on tea and 2 cents a pound on coffee would produce a revenue exceeding $12,000,000, and thus enable Congress to repeal a multitude of annoying taxes yielding a revenue not exceeding that sum. The internal-revenue system grew out of the necessities of the war, and most of the legislation imposing taxes upon domestic products under this system has been repealed. By the substitution of a tax on tea and coffee all forms of internal taxation may be repealed, except that on whisky, spirits, tobacco, and beer. Attention is also called to the necessity of enacting more vigorous laws for the protection of the revenue and for the punishment of frauds and smuggling. This can best be done by judicious provisions that will induce the disclosure of attempted fraud by undervaluation and smuggling. All revenue laws should be simple in their provisions and easily understood. So far as practicable, the



ALEXANDER GRAHAM BELL—THE FIRST TELEPHONE MESSAGE TO CHICAGO

BELL AND THE TELEPHONE.

Despite many attempts, all efforts to perfect a telephone failed until Alexander Graham Bell (born in 1847) brought forward in 1876, after many experiments of his own, his magnetic current telephone. It was exhibited at the Centennial Exhibition in Philadelphia later in the year, and a company was formed to put the new invention on the market. It is estimated that in 1915 there were close to 15,000,000 telephone instruments in use throughout the world.

rates of taxation should be in the form of specific duties, and not *ad valorem*, requiring the judgment of experienced men to ascertain values and exposing the revenue to the temptation of fraud.

My attention has been called during the recess of Congress to abuses existing in the collection of the customs, and strenuous efforts have been made for their correction by Executive orders. The recommendations submitted to the Secretary of the Treasury by a commission appointed to examine into the collection of customs duties at the port of New York contain many suggestions for the modification of the customs laws, to which the attention of Congress is invited.

It is matter of congratulation that notwithstanding the severe burdens caused by the war the public faith with all creditors has been preserved, and that as the result of this policy the public credit has continuously advanced and our public securities are regarded with the highest favor in the markets of the world. I trust that no act of the Government will cast a shadow upon its credit.

The progress of refunding the public debt has been rapid and satisfactory. Under the contract existing when I entered upon the discharge of the duties of my office, bonds bearing interest at the rate of 4½ per cent were being rapidly sold, and within three months the aggregate sales of these bonds had reached the sum of $200,000,000. With my sanction the Secretary of the Treasury entered into a new contract for the sale of 4 per cent bonds, and within thirty days after the popular subscription for such bonds was opened subscriptions were had amounting to $75,496,550, which were paid for within ninety days after the date of subscription. By this process, within but little more than one year, the annual interest on the public debt was reduced in the sum of $3,775,000.

I recommended that suitable provision be made to enable the people to easily convert their savings into Government securities, as the best mode in which small savings may be well secured and yield a moderate interest. It is an object of public policy to retain among our own people the securities of the United States. In this way our country is guarded against their sudden return from foreign countries, caused by war or other disturbances beyond our limits.

The commerce of the United States with foreign nations, and especially the export of domestic productions, has of late years largely increased; but the greater portion of this trade is conducted in foreign vessels. The importance of enlarging our foreign trade, and especially by direct and speedy interchange with countries on this continent, can not be overestimated; and it is a matter of great moment that our own shipping interest should receive, to the utmost practical extent, the benefit of our commerce with other lands. These considerations are forcibly urged by all the large commercial cities of the country, and public attention is generally and wisely attracted to the solution of the problems they present. It is not doubted that Congress will take them up in the broadest spirit of liberality and respond to the public demand by practical legislation upon this important subject.

The report of the Secretary of War shows that the Army has been actively employed during the year, and has rendered very important service in suppressing hostilities in the Indian country and in preserving peace and protecting life and property in the interior as well as along the Mexican border. A long and arduous campaign has been prosecuted, with final complete success, against a portion of the Nez Percé tribe of Indians. A full account of this campaign will be found in the report of the General of the Army. It will be seen that in its course several severe battles were fought, in which a number of gallant officers and men lost their lives. I join with the Secretary of War and the General of the Army in awarding to the officers and men employed in the long and toilsome pursuit and in the final capture of these Indians the honor and praise which are so justly their due.

The very serious riots which occurred in several of the States in July last rendered necessary the employment of a considerable portion of the Army to preserve the peace and maintain order. In the States of West Virginia, Maryland, Pennsylvania, and Illinois these disturbances were so formidable as to defy the local and State authorities, and the National Executive was called upon, in the mode provided by the Constitution and laws, to furnish military aid. I am gratified to be able to state that the troops sent in response to these calls for aid in the suppression of domestic violence were able, by the influence of their presence in the disturbed regions, to preserve the peace and restore order without the use of force. In the discharge of this delicate and important duty both officers and men acted with great prudence and courage, and for their services deserve the thanks of the country.

Disturbances along the Rio Grande in Texas, to which I have already referred, have rendered necessary the constant employment of a military force in that vicinity. A full report of all recent military operations in that quarter has been transmitted to the House of Representatives in answer to a resolution of that body, and it will therefore not be necessary to enter into details. I regret to say that these lawless incursions into our territory by armed bands from the Mexican side of the line, for the purpose of robbery, have been of frequent occurrence, and in spite of the most vigilant efforts of the commander of our forces the marauders have generally succeeded in escaping into Mexico with their plunder. In May last I gave orders for the exercise of the utmost vigilance on the part of our troops for the suppression of these raids and the punishment of the guilty parties, as well as the recapture of property stolen by them. General Ord, commanding in Texas, was directed to invite the cooperation of the Mexican authorities in efforts to this end, and to assure them that I was anxious to avoid giving the least offense to Mexico. At the same time, he was directed to give notice of my determination to put an end to the invasion of our territory by lawless bands intent upon the plunder of our peaceful citizens, even if the effectual punishment of the outlaws should make the crossing of the border by our troops in their pursuit necessary. It is believed that this policy has had the effect to check somewhat these depredations, and that with a considerable increase of our force upon that frontier and the establishment of several additional military posts along the Rio Grande, so as more effectually to guard that extensive border, peace may be preserved and the lives and property of our citizens in Texas fully protected.

Prior to the 1st day of July last the Army was, in accordance with law, reduced to the maximum of 25,000 enlisted men, being a reduction of 2,500 below the force previously authorized. This reduction was made, as required by law, entirely from the infantry and artillery branches of the service, without any reduction of the cavalry. Under the law as it now stands it is necessary that the cavalry regiments be recruited to 100 men in each company for service on the Mexican and Indian frontiers. The necessary effect of this legislation is to reduce the infantry and artillery arms of the service below the number required for efficiency, and I concur with the Secretary of War in recommending that authority be given to recruit all companies of infantry to at least 50 men and all batteries of artillery to at least 75 men, with the power, in case of emergency, to increase the former to 100 and the latter to 122 men each.

I invite your special attention to the following recommendations of the Secretary of War:

First. That provision be made for supplying to the Army a more abundant and better supply of reading matter.

Second. That early action be taken by Congress looking to a complete revision and republication of the Army Regulations.

Third. That section 1258 of the Revised Statutes, limiting the number of officers on the retired list, be repealed.

Fourth. That the claims arising under the act of July 4, 1864, for supplies taken by the Army during the war, be taken from the offices of the Quartermaster and Commissary Generals and transferred to the Southern Claims Commission, or some other tribunal having more time and better facilities for their prompt investigation and decision than are possessed by these officers.

Fifth. That Congress provide for an annuity fund for the families of deceased soldiers, as recommended by the Paymaster-General of the Army.

The report of the Secretary of the Navy shows that we have six squadrons now engaged in the protection of our foreign commerce and other duties pertaining to the naval service. The condition and operations of the Department are also shown. The total expenditures for the fiscal year ending June 30, 1877, were $16,077,974.54. There are unpaid claims against the Department chargeable to the last year, which are presented to the consideration of Congress by the report of the Secretary. The estimates for the fiscal year commencing July 1, 1878, are $16,233,234.40, exclusive of the sum of $2,314,231 submitted for new buildings, repairs, and improvements at the several navy-yards. The appropriations for the present fiscal year, commencing July 1, 1877, are $13,592,932.90. The amount drawn from the Treasury from July 1 to November 1, 1877, is $5,343,037.40, of which there is estimated to be yet available $1,029,528.30, showing the amount of actual expenditure during the first four months of the present fiscal year to have been $4,313,509.10.

The report of the Postmaster-General contains a full and clear statement of the operations and condition of the Post-Office Department. The ordinary revenues of the Department for the fiscal year ending June 30, 1877, including receipts from the money-order business and from official stamps and stamped envelopes, amounted to the sum of $27,531,585.26. The additional sum of $7,013,000 was realized from appropriations from the general Treasury for various purposes, making the receipts from all sources $34,544,885.26. The total expenditures during the fiscal year amounted to $33,486,322.44, leaving an excess of total receipts over total expenditures of $1,058,562.82, and an excess of total expenditures over ordinary receipts of $5,954,737.18. Deducting from the total receipts the sum of $63,261.84, received from international money orders of the preceding fiscal year, and deducting from the total expenditures the sum of $1,163,818.20, paid on liabilities incurred in previous fiscal years, the expenditures and receipts appertaining to the business of the last fiscal year were as follows:

Expenditures	$32,322,504.24
Receipts (ordinary, from money-order business and from official postage stamps)	27,468,323.42
Excess of expenditures	4,854,180.82

The ordinary revenues of the Post-Office Department for the year ending June 30, 1879, are estimated at an increase of 3 per cent over those of 1877, making $29,034,098.28, and the expenditures for the same year are estimated at $36,427,771, leaving an estimated deficiency for the year 1879 of $7,393,672.72. The additional legislation recommended by the Postmaster-General for improvements of the mail service and to protect the postal revenues from the abuses practiced under existing laws is respectfully commended to the careful consideration of Congress.

The report of the Attorney-General contains several suggestions as to the administration of justice, to which I invite your attention. The pressure of business in the Supreme Court and in certain circuit courts of the United States is now such that serious delays, to the great injury, and even oppression, of suitors, occur, and a remedy should be sought for this condition of affairs. Whether it will be found in the plan briefly sketched in the report, of increasing the number of judges of the circuit courts, and, by means of this addition to the judicial force, of creating an intermediate court of errors and appeals, or whether some other mode can be devised for obviating the difficulties which now exist, I leave to your mature consideration.

The present condition of the Indian tribes in the territory of the United States and our relations with them are fully set forth in the reports of the Secretary of the Interior and the Commissioner of Indian Affairs. After a series of most deplorable conflicts—the successful termination of which, while reflecting honor upon the brave soldiers who accomplished it, can not lessen our regret at their occurrence—we are now at peace with all the Indian tribes within our borders. To preserve that peace by a just and humane policy will be the object of my earnest endeavors. Whatever may be said of their character and savage propensities, of the difficulties of introducing among them the habits of civilized life, and of the obstacles they have offered to the progress of settlement and enterprise in certain parts of the country, the Indians are certainly entitled to our sympathy and to a conscientious respect on our part for their claims upon our sense of justice. They were the aboriginal occupants of the land we now possess. They have been driven from place to place. The purchase money paid to them in some cases for what they called their own has still left them poor. In many instances, when they had settled down upon land assigned to them by compact and begun to support themselves by their own labor, they were rudely jostled off and thrust into the wilderness again. Many, if not most, of our Indian wars have had their origin in broken promises and acts of injustice upon our part, and the advance of the Indians in civilization has been slow because the treatment they received did not permit it to be faster and more general. We can not expect them to improve and to follow our guidance unless we keep faith with them in respecting the rights they possess, and unless, instead of depriving them of their opportunities, we lend them a helping hand.

I cordially approve the policy regarding the management of Indian affairs outlined in the reports of the Secretary of the Interior and of the Commissioner of Indian Affairs. The faithful performance of our promises is the first condition of a good understanding with the Indians. I can not too urgently recommend to Congress that prompt and liberal provision be made for the conscientious fulfillment of all engagements entered into by the Government with the Indian tribes. To withhold the means necessary for the performance of a promise is always false economy, and is apt to prove disastrous in its consequences. Especial care is recommended to provide for Indians settled on their reservations cattle and agricultural implements, to aid them in whatever efforts they may make to support themselves, and by the establishment and maintenance of schools to bring them under the control of civilized influences.

I see no reason why Indians who can give satisfactory proof of having by their own labor supported their families for a number of years, and who are willing to detach themselves from their tribal relations, should not be admitted to the benefit of the homestead act and the privileges of citizenship, and I recommend the passage of a law to that effect. It will be an act of justice as well as a measure of encouragement. Earnest efforts are being made to purify the Indian service, so that every dollar appropriated by Congress shall redound to the benefit of the Indians, as intended. Those efforts will have my firm support. With an improved service and every possible encouragement held out to the Indians to better their condition and to elevate themselves in the scale of civilization, we may hope to accomplish at the same time a good work for them and for ourselves.

I invite the attention of Congress to the importance of the statements and suggestions made by the Secretary of the Interior concerning the depredations committed on the timber lands of the United States and the necessity for the preservation of forests. It is believed that the measures taken in pursuance of existing laws to arrest those depredations will be entirely successful if Congress, by an appropriation for that purpose, renders their continued enforcement possible. The experience of other nations teaches us that a country can not be stripped of its forests with impunity, and we shall expose ourselves to the gravest consequences unless the wasteful and improvident manner in which the forests in the United States are destroyed be effectually checked. I earnestly recommend that the measures suggested by the Secretary of the Interior for the suppression of depredations on the public timber lands of the United States, for the selling of timber from the public lands, and for the preservation of forests be embodied in a law, and that, considering the urgent necessity of enabling the people of certain States and Territories to purchase timber from the public lands in a legal manner, which at present they can not do, such a law be passed without unavoidable delay. I would also call the attention of Congress to the statements made by the Secretary of the Interior concerning the disposition that might be made of the desert lands, not irrigable, west of the one hundredth meridian. These lands are practically unsalable under existing laws, and the suggestion is worthy of consideration that a system of leasehold tenure would make them a source of profit to the United States, while at the same time legalizing the business of cattle raising which is at present carried on upon them.

The report of the Commissioner of Agriculture contains the gratifying announcement of the extraordinary success which has rewarded the agricultural industry of the country for the past year. With the fair prices which obtain for the products of the soil, especially for the surplus which our people have to export, we may confidently turn to this as the most important of all our resources for the revival of the depressed industries of the country. The report shows our agricultural progress during the year, and contains a statement of the work done by this Department for the advancement of agricultural industry, upon which the prosperity of our people so largely depends. Matters of information are included of great interest to all who seek, by the experience of others, to improve their own methods of cultivation. The efforts of the Department to increase the production of important articles of consumption will, it is hoped, improve the demand for labor and advance the business of the country, and eventually result in saving some of the many millions that are now annually paid to foreign nations for sugar and other staple products which habitual use has made necessary in our domestic everyday life.

The board on behalf of the United States Executive Departments at the International Exhibition of 1876 has concluded its labors. The final report of the board was transmitted to Congress by the President near the close of the last session. As these papers are understood to contain interesting and valuable information, and will constitute the only report emanating from the Government on the subject of the exhibition, I invite attention to the matter and recommend that the report be published for general information.

Congress is empowered by the Constitution with the authority of exclusive legislation over the District of Columbia, in which the seat of Government of the nation is located. The interests of the District, having no direct representation in Congress, are entitled to especial consideration and care at the hands of the General Government. The capital of the United States belongs to the nation, and it is natural that the American people should take pride in the seat of their National Government and desire it to be an ornament to the country. Much has been done to render it healthful, convenient, and attractive, but much remains to be done, which its permanent inhabitants are not able and ought not to be expected to do. To impose upon them a large proportion of the cost required for public improvements, which are in a great measure planned and executed for the convenience of the Government and of the many thousands of visitors from all parts of the country who temporarily reside at the capital of the nation, is an evident injustice. Special attention is asked by the Commissioners of the District in their report, which is herewith transmitted, to the importance of a permanent adjustment by Congress of the financial relations between the United States and the District, involving the regular annual contribution by the United States of its just proportion of the expenses of the District government and of the outlay for all needed public improvements, and such measure of relief from the burden of taxation now resting upon the people of the District as in the wisdom of Congress may be deemed just.

The report of the Commissioners shows that the affairs of the District are in a condition as satisfactory as could be expected in view of the heavy burden of debt resting upon it and its very limited means for necessary expenses.

The debt of the District is as follows:

Old funded debt	$8,379,691.96
3.65 bonds, guaranteed by the United States	13,743,250.00
Total bonded debt	22,122,941.96
To which should be added certain outstanding claims, as explained in the report of the Commissioners	1,187,204.52
Making the total debt of the District	23,310,146.48

The Commissioners also ask attention to the importance of the improvement of the Potomac River and the reclamation of the marshes bordering the city of Washington, and their views upon this subject are concurred in by the members of the board of health, whose report is also herewith transmitted. Both the commercial and sanitary interests of the District will be greatly promoted, I doubt not, by this improvement.

Your attention is invited to the suggestion of the Commissioners and of the board of health for the organization of a board of charities, to have supervision and control of the disbursement of all moneys for charitable purposes from the District treasury. I desire also to ask your especial attention to the need of adding to the efficiency of the public schools of the District by supplemental aid from the National Treasury. This is especially just, since so large a number of those attending these schools are children of employees of the Government. I earnestly commend to your care the interests of the people of the District, who are so intimately associated with the Government establishments, and to whose enterprise the good order and attractiveness of the capital are largely due; and I ask your attention to the request of the Commissioners for legislation in behalf of the interests intrusted to their care. The appropriations asked for the care of the reservations belonging to the Government within the city, by the Commissioner of Public Buildings and Grounds, are also commended to your favorable consideration.

The report of the joint commission created by the act approved 2d of August, 1876, entitled "An act providing for the completion of the Washington Monument," is also herewith transmitted, with accompanying documents. The board of engineer officers detailed to examine the monument, in compliance with the second section of the act, have reported that the foundation is insufficient. No authority exists for making the expenditure necessary to secure its stability. I therefore recommend that the commission be authorized to expend such portion of the sum appropriated by the act as may be necessary for the purpose. The present unfinished condition of the monument, begun so long ago, is a reproach to the nation. It can not be doubted that the patriotic sense of the country will warmly respond to such prompt provision as may be made for its completion at an early day, and I urge upon Congress the propriety and necessity of immediate legislation for this purpose.

The wisdom of legislation upon the part of Congress, in aid of the States, for the education of the whole people in those branches of study which are taught in the common schools of the country is no longer a question. The intelligent judgment of the country goes still further, regarding it as also both constitutional and expedient for the General Government to extend to technical and higher education such aid as is deemed essential to the general welfare and to our due prominence among the enlightened and cultured nations of the world. The ultimate settlement of all questions of the future, whether of administration or finance or of true nationality of sentiment, depends upon the virtue and intelligence of the people. It is vain to hope for the success of a free government without the means of insuring the intelligence of those who are the source of power. No less than one-seventh of the entire voting population of our country are yet unable to read and write.

It is encouraging to observe, in connection with the growth of fraternal feeling in those States in which slavery formerly existed, evidences of increasing interest in universal education, and I shall be glad to give my approval to any appropriate measures which may be enacted by Congress for the purpose of supplementing with national aid the local systems of education in those States and in all the States; and, having already invited your attention to the needs of the District of Columbia with respect to its public-school system, I here add that I believe it desirable, not so much with reference to the local wants of the District, but to the great and lasting benefit of the entire country, that this system should be crowned with a university in all respects in keeping with the national capital, and thereby realize the cherished hopes of Washington on this subject.

I also earnestly commend the request of the Regents of the Smithsonian Institution that an adequate appropriation be made for the establishment and conduct of a national museum under their supervision.

The question of providing for the preservation and growth of the Library of Congress is also one of national importance. As the depository of all copyright publications and records, this library has outgrown the provisions for its accommodation; and the erection, on such site as the judgment of Congress may approve, of a fireproof library building, to preserve the treasures and enlarge the usefulness of this valuable collection, is recommended. I recommend also such legislation as will render available and efficient for the purposes of instruction, so far as is consistent with the public service, the cabinets or museums of invention, of surgery, of education, and of agriculture, and other collections the property of the National Government.

The capital of the nation should be something more than a mere political center. We should avail ourselves of all the opportunities which

Providence has here placed at our command to promote the general intelligence of the people and increase the conditions most favorable to the success and perpetuity of our institutions.

R. B. HAYES.

SPECIAL MESSAGES.

EXECUTIVE MANSION, *December 10, 1877.*

To the Senate and House of Representatives:

I transmit herewith, for the information of Congress, a copy of the report of the commission appointed by me on the 27th of September, 1877, to examine the several public buildings in this city and determine the nature and extent of their security against conflagrations and the measures to be taken to guard the buildings and their contents from destruction or damage by fire.

The records of the Government constitute a most valuable collection for the country, whether we consider their pecuniary value or their historical importance; and it becomes my duty to call your attention to the means suggested for securing these valuable archives, as well as the buildings in which they are stored. The commissioners have performed their duties intelligently and faithfully. Their recommendations are fully concurred in by me and commended to the favorable consideration of Congress.

R. B. HAYES.

EXECUTIVE MANSION, *December 10, 1877.*

To the Senate and House of Representatives:

I have the honor to transmit herewith an additional report (and an accompanying statement) addressed to me by the commissioners appointed under the act of Congress approved July 19, 1876, authorizing the repavement of that part of Pennsylvania avenue lying between the Treasury Department and the Capitol Grounds.

R. B. HAYES.

EXECUTIVE MANSION, *December 13, 1877.*

To the House of Representatives:

I transmit herewith a special report upon the subject of forestry by the Commissioner of Agriculture, with the accompanying documents.

R. B. HAYES.

[A similar message was sent to the Senate.]

WASHINGTON, *January 11, 1878.*

To the House of Representatives:

In answer to the resolution of the House of Representatives of the 3d ultimo, requesting to be furnished with the correspondence between the

Government of Venezuela and that of the United States had since the adjournment of the first session of the Forty-fourth Congress in relation to the Venezuela Mixed Claims Commission, I transmit the report of the Secretary of State, together with its accompanying documents.

R. B. HAYES.

EXECUTIVE MANSION,
Washington, January 14, 1878.

To the Senate of the United States:

I have received the following resolution of the Senate:

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,
December 11, 1877.

Resolved, That the President be respectfully requested to inform the Senate, with the view to the transaction of its executive business, whether in any of the instances of nominations hitherto sent to the Senate stated to be for appointment in place of officers removed such removals had been made at the time of sending such nominations to the Senate.

In reply I would respectfully inform the Senate that in the instances referred to removals had not been made at the time the nominations were sent to the Senate. The form used for such nominations was one found to have been in existence and heretofore used in some of the Departments, and was intended to inform the Senate that if the nomination proposed were approved it would operate to remove an incumbent whose name was indicated.

R. B. HAYES.

EXECUTIVE MANSION, *January 17, 1878.*

To the Senate of the United States:

In response to the resolution of the Senate of the 13th November last, calling for information concerning the cause, numbers engaged, number of lives lost, and probable cost of the late so-called Nez Percé War, I have the honor to submit the accompanying communication from the General of the Army and an extract from the annual report of that officer. Upon the subject of the cost of the Nez Percé War, I submit reports from the Quartermaster-General and the Commissary-General of Subsistence.

R. B. HAYES.

WASHINGTON, *January 18, 1878.*

To the Senate of the United States:

I transmit to the Senate, for its consideration with a view to ratification, a treaty of friendship and commerce between the United States and the Government of the Samoan Islands, signed on the 17th instant.

R. B. HAYES.

EXECUTIVE MANSION, *January 18, 1878.*

To the Senate of the United States:

In answer to the resolution of the Senate of December 6, 1877, I inclose a report made to me by the Attorney-General, the results of which seem to be correct, and which affords the information* requested.

R. B. HAYES.

[A similar message was sent to the House of Representatives, in answer to a resolution of that body of November 27, 1877.]

EXECUTIVE MANSION, *January 23, 1878.*

To the Senate of the United States:

In answer to the resolution of the Senate of November 16, 1877, I transmit reports † made to me by the Attorney-General and the Secretary of the Navy.

R. B. HAYES.

EXECUTIVE MANSION, *January 29, 1878.*

To the Senate of the United States:

In response to a resolution of the Senate of the 10th ultimo, I transmit herewith copies of reports ‡ of the Commissioners of Indian Affairs and General Land Office, dated 9th and 21st instant, respectively.

R. B. HAYES.

EXECUTIVE MANSION, *February 4, 1878.*

To the Senate and House of Representatives:

The commission appointed under the act of Congress approved March 3, 1873, entitled "An act to authorize inquiries into the causes of steam-boiler explosions," have addressed a report of progress, made to date thereof, to the Secretaries of the Treasury and Navy Departments, which has been transmitted to me by these officers. The commission also present a copy of a report dated February 27, 1877, which they say "was mislaid and did not reach the President." These reports are respectfully submitted for the information of Congress.

R. B. HAYES.

WASHINGTON, *February 6, 1878.*

To the Senate:

I transmit herewith, in compliance with a resolution of the Senate of the 6th of December last, a report from the Secretary of State and its accompanying papers.§

R. B. HAYES.

---

*Operation of the Union Pacific Railroad and its branches.

†Relating to the seizure of logs, lumber, and naval stores suspected of having been taken from the public lands.

‡Relating to the payments to the Ute Indians under the fourth article of the agreement of September 13, 1873, and to the occupancy of lands ceded by said Indians.

§Correspondence relative to the Franco-German War.

EXECUTIVE MANSION, *February 11, 1878.*

To the Senate and House of Representatives:

In compliance with the resolution of Congress entitled "Joint resolution accepting a painting* tendered to Congress by Mrs. Elizabeth Thompson," approved by me on the 1st instant, I have this day caused a copy of the resolution to be delivered to Mrs. Thompson.

R. B. HAYES.

EXECUTIVE MANSION, *February 20, 1878.*

To the Senate of the United States:

In response to the resolution of the Senate of January 30, 1878, I transmit herewith a report,† dated the 16th instant, from the Commissioner of Indian Affairs.

R. B. HAYES.

EXECUTIVE MANSION, *February 20, 1878.*

To the Senate of the United States:

In answer to the resolution of the Senate dated December 7, 1877, I transmit herewith reports from the General of the Army, the Quartermaster-General, the Commissary-General of Subsistence, and the Chief of Ordnance, showing what has been the cost (estimated) of the late war with the Sioux Indians, and what the casualties of rank and file among the soldiers engaged in said Sioux War.

R. B. HAYES.

EXECUTIVE MANSION, *February 27, 1878.*

To the Senate of the United States:

I transmit herewith, for the information of the Senate, the reply of the Commissioner of Agriculture to a resolution of the Senate of the 20th instant, "relative to the disease prevailing among swine," etc.

R. B. HAYES.

WASHINGTON, *March 21, 1878.*

To the Senate:

In answer to the resolution of the Senate of the 11th of March instant, I herewith transmit a report from the Secretary of State, with accompanying documents.‡

R. B. HAYES.

---

*Carpenter's painting of President Lincoln and his Cabinet at the time of his first reading of the Proclamation of Emancipation.

†Relating to the survey of lands in the Indian Territory, etc.

‡Correspondence relative to the appointment of a third commissioner under the twenty-third article of the treaty with Great Britain of May 8, 1871, on the question of the fisheries.

EXECUTIVE MANSION, *March 25, 1878.*

To the Senate of the United States:

In further answer to the resolution of the Senate of December 7, 1877, as to the cost of the Sioux War, I transmit copies of additional reports on the subject received from the Military Division of the Missouri.

R. B. HAYES.

WASHINGTON, D. C., *March 27, 1878.*

To the Senate of the United States:

In answer to the Senate's resolution of the 14th ultimo, requesting to be furnished with a copy of correspondence between the Government of the United States and that of China respecting the "Ward" claims and the claim of Charles E. Hill, I herewith submit a letter from the Secretary of State, together with its accompanying papers.

R. B. HAYES.

WASHINGTON, *March 29, 1878.*

To the House of Representatives:

I transmit herewith, in compliance with a resolution of the House of Representatives of the 21st ultimo, a report from the Secretary of State and its accompanying papers.*

R. B. HAYES.

EXECUTIVE MANSION, *May 2, 1878.*

To the Senate of the United States:

In answer to the resolution of the Senate of April 16, 1878, I transmit herewith reports† made to me by the Secretary of the Treasury and the Attorney-General.

R. B. HAYES.

WASHINGTON, *May 10, 1878.*

To the Senate of the United States:

I transmit to the Senate, for its consideration with a view to ratification, a convention defining the rights, immunities, and privileges of consular officers, between the United States and His Majesty the King of Italy, signed on the 8th instant.

R. B. HAYES.

---

*Correspondence with Spain relative to the seizure of the steamer *Virginius*, etc.

†Relating to the defalcations of William R. Whitaker while collector of internal revenue for the first district of Louisiana and while assistant treasurer of the United States at New Orleans.

WASHINGTON, *May 14, 1878.*

To the Senate of the United States:

In answer to the resolution of the Senate of the 29th ultimo, I transmit herewith a report from the Secretary of State, with its accompanying papers.*

R. B. HAYES.

EXECUTIVE MANSION, *May 17, 1878.*

To the Senate and House of Representatives:

I herewith transmit, for your appropriate action, a communication from the Secretary of State, on the subject of the result of the deliberations of the Fishery Commission appointed under certain provisions of the treaty of Washington, with the accompanying documents.

Article XXII of the treaty provides that any sum of money which the commissioners may award shall be paid by the United States Government in a gross sum within twelve months after such award shall have been given.

The commission announced the result of its deliberations on the 23d day of November last year, and an appropriation at the present session of Congress will be necessary to enable the Government to make the payment provided for in the treaty.

I respectfully submit to the consideration of Congress the record of the transaction as presented upon the papers, and recommend an appropriation of the necessary sum, with such discretion to the executive government in regard to its payment as in the wisdom of Congress the public interests may seem to require.

R. B. HAYES.

WASHINGTON, *May 25, 1878.*

To the Senate of the United States:

I transmit to the Senate, for its consideration with a view to its ratification, a consular convention between the United States and the Netherlands, signed on the 23d instant.

R. B. HAYES.

WASHINGTON, *June 11, 1878.*

To the House of Representatives:

In answer to a resolution of the House of Representatives of the 27th May ultimo, I transmit the response of the Secretary of State, accompanied by a copy of the papers† called for by the resolution.

R. B. HAYES.

---

*Correspondence relative to the terms and conditions under which the Cuban insurgents surrendered and to the policy of Spain in the government of Cuba

†Relating to the convention of May 20, 1875, for the establishment of an international bureau of weights and measures.

EXECUTIVE MANSION, *June 12, 1878.*

To the Senate and House of Representatives:

In transmitting herewith to Congress a communication from the Secretary of State on the subject of the conference provided for in the act of February 28, 1878, entitled "An act to authorize the coinage of the standard silver dollar and to restore its legal-tender character," I respectfully recommend that an adequate appropriation be made for certain expenses of the conference and of the commissioners attending the same on behalf of the United States, as suggested in the communication of the Secretary of State.

R. B. HAYES.

EXECUTIVE MANSION, *June 15, 1878.*

To the House of Representatives:

I have the honor to transmit herewith the report of the board for testing iron, steel, and other metals, as requested in the resolution of the House of Representatives dated April 27, 1878.

R. B. HAYES.

WASHINGTON, *June 17, 1878.*

To the Senate:

In answer to the resolution of the Senate of the 27th of May ultimo, I herewith transmit a report from the Secretary of State, with accompanying documents.*

R. B. HAYES.

VETO MESSAGES.

EXECUTIVE MANSION, *February 28, 1878.*

To the House of Representatives:

After a very careful consideration of the House bill No. 1093, entitled "An act to authorize the coinage of the standard silver dollar and to restore its legal-tender character," I feel compelled to return it to the House of Representatives, in which it originated, with my objections to its passage.

Holding the opinion, which I expressed in my annual message, that "neither the interests of the Government nor of the people of the United States would be promoted by disparaging silver as one of the two precious metals which furnish the coinage of the world, and that legislation which looks to maintaining the volume of intrinsic money to as full a measure of both metals as their relative commercial values will permit would be neither unjust nor inexpedient," it has been my earnest desire to concur with Congress in the adoption of such measures to increase the silver coinage of the country as would not impair the obligation of contracts, either public or private, nor injuriously affect the public credit. It is only upon the conviction that this bill does not meet these essential requirements that I feel it my duty to withhold from it my approval.

---

*Correspondence, etc., relative to the selection of M. Maurice Delfosse as one of the commissioners under the treaty with Great Britain of May 8, 1871, on the fisheries question.

My present official duty as to this bill permits only an attention to the specific objections to its passage which seem to me so important as to justify me in asking from the wisdom and duty of Congress that further consideration of the bill for which the Constitution has in such cases provided.

The bill provides for the coinage of silver dollars of the weight of 412½ grains each, of standard silver, to be a legal tender at their nominal value for all debts and dues, public and private, except where otherwise expressly stipulated in the contract. It is well known that the market value of that number of grains of standard silver during the past year has been from 90 to 92 cents as compared with the standard gold dollar. Thus the silver dollar authorized by this bill is worth 8 to 10 per cent less than it purports to be worth, and is made a legal tender for debts contracted when the law did not recognize such coins as lawful money.

The right to pay duties in silver or in certificates for silver deposits will, when they are issued in sufficient amount to circulate, put an end to the receipt of revenue in gold, and thus compel the payment of silver for both the principal and interest of the public debt. One billion one hundred and forty-three million four hundred and ninety-three thousand four hundred dollars of the bonded debt now outstanding was issued prior to February, 1873, when the silver dollar was unknown in circulation in this country, and was only a convenient form of silver bullion for exportation; $583,440,350 of the funded debt has been issued since February, 1873, when gold alone was the coin for which the bonds were sold, and gold alone was the coin in which both parties to the contract understood that the bonds would be paid. These bonds entered into the markets of the world. They were paid for in gold when silver had greatly depreciated, and when no one would have bought them if it had been understood that they would be paid in silver. The sum of $225,000,000 of these bonds has been sold during my Administration for gold coin, and the United States received the benefit of these sales by a reduction of the rate of interest to 4 per cent. During the progress of these sales a doubt was suggested as to the coin in which payment of these bonds would be made. The public announcement was thereupon authorized that it was "not to be anticipated that any future legislation of Congress or any action of any department of the Government would sanction or tolerate the redemption of the principal of these bonds or the payment of the interest thereon in coin of less value than the coin authorized by law at the time of the issue of the bonds, being the coin exacted by the Government in exchange for the same." In view of these facts it will be justly regarded as a grave breach of the public faith to undertake to pay these bonds, principal or interest, in silver coin worth in the market less than the coin received for them.

It is said that the silver dollar made a legal tender by this bill will under its operation be equivalent in value to the gold dollar. Many supporters of the bill believe this, and would not justify an attempt to pay debts, either public or private, in coin of inferior value to the money of the world. The capital defect of the bill is that it contains no provision protecting from its operation preexisting debts in case the coinage which it creates shall continue to be of less value than that which was the sole legal tender when they were contracted. If it is now proposed, for the purpose of taking advantage of the depreciation of silver in the payment of debts, to coin and make a legal tender a silver dollar of less commercial value than any dollar, whether of gold or paper, which is now lawful money in this country, such measure, it will hardly be questioned, will, in the judgment of mankind, be an act of bad faith. As to all debts heretofore contracted, the silver dollar should be made a legal tender only at its market value. The standard of value should not be changed without the consent of both parties to the contract. National promises should be kept with unflinching fidelity. There is no power to compel a nation to pay its just debts. Its credit depends on its honor. The nation owes what it has led or allowed its creditors to expect. I can not approve a bill which in my judgment authorizes the violation of sacred obligations. The obligation of the public faith transcends all questions of profit or public advantage. Its unquestionable maintenance is the dictate as well of the highest expediency as of the most necessary duty, and should ever be carefully guarded by the Executive, by Congress, and by the people.

It is my firm conviction that if the country is to be benefited by a silver coinage it can be done only by the issue of silver dollars of full value, which will defraud no man. A currency worth less than it purports to be worth will in the end defraud not only creditors, but all who are engaged in legitimate business, and none more surely than those who are dependent on their daily labor for their daily bread.

R. B. HAYES.

EXECUTIVE MANSION, *March 6, 1878.*

To the House of Representatives:

I return herewith House bill No. 3072, entitled "An act to authorize a special term of the circuit court of the United States for the southern district of Mississippi to be held at Scranton, in Jackson County," with the following objections to its becoming a law:

The act provides that a special term of the circuit court of the United States for the southern district of Mississippi shall be held at Scranton, in Jackson County, Miss., to begin on the second Monday in March, 1878, and directs the clerk of said court to "cause notice of said special term of said court to be published in a newspaper in Jackson, Miss., and also in a newspaper in Scranton, at least ten days before the beginning thereof."

The act can not be executed, inasmuch as there is not sufficient time to give the notice of the holding of the special term which Congress thought proper to require.

The number of suits to be tried at the special term in which the United States is interested is forty-nine, and the amount involved exceeds $200,000. The Government can not prepare for trial at said special term, because no fund appropriated by Congress can be made available for that purpose. If, therefore, the Government is compelled to go to trial at the special term provided for by this bill, the United States must be defeated for want of time and means to make preparation for the proper vindication of its rights.

The bill is therefore returned for the further consideration of Congress.

R. B. HAYES.

PROCLAMATIONS.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas it is provided in the laws of the United States that whenever, by reason of unlawful obstructions, combinations or assemblages of persons, or rebellion against the authority of the Government of the United States, it shall become impracticable, in the judgment of the President, to enforce by the ordinary course of judicial proceedings the laws of the United States within any State or Territory, it shall be lawful for the President to call forth the militia of any or all the States and to employ such parts of the land and naval forces of the United States as he may deem necessary to enforce the faithful execution of the laws of the United States or to suppress such rebellion, in whatever State or Territory thereof the laws of the United States may be forcibly opposed or the execution thereof forcibly obstructed; and

Whereas it has been made to appear to me that, by reason of unlawful combinations and assemblages of persons in arms, it has become impracticable to enforce by the ordinary course of judicial proceedings the laws of the United States within the Territory of New Mexico, and especially within Lincoln County therein, and that the laws of the United States have been therein forcibly opposed and the execution thereof forcibly resisted; and

Whereas the laws of the United States require that whenever it may be necessary, in the judgment of the President, to use the military force for the purpose of enforcing the faithful execution of the laws of the United States, he shall forthwith, by proclamation, command such insurgents to disperse and retire peaceably to their respective abodes within a limited time:

Now, therefore, I, Rutherford B. Hayes, President of the United States, do hereby admonish all good citizens of the United States, and especially of the Territory of New Mexico, against aiding, countenancing, abetting, or taking part in any such unlawful proceedings; and I do hereby warn all persons engaged in or connected with said obstruction of the laws to disperse and retire peaceably to their respective abodes on or before noon of the 13th day of October instant.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 7th day of October, A. D. 1878, and of the Independence of the United States the one hundred and third.

R. B. HAYES.

By the President:

F. W. SEWARD, *Acting Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

The recurrence of that season at which it is the habit of our people to make devout and public confession of their constant dependence upon the divine favor for all the good gifts of life and happiness and of public peace and prosperity exhibits in the record of the year abundant reasons for our gratitude and thanksgiving.

Exuberant harvests, productive mines, ample crops of the staples of trade and manufactures, have enriched the country.

The resources thus furnished to our reviving industry and expanding commerce are hastening the day when discords and distresses through the length and breadth of the land will, under the continued favor of Providence, have given way to confidence and energy and assured prosperity.

Peace with all nations has been maintained unbroken, domestic tranquillity has prevailed, and the institutions of liberty and justice which the wisdom and virtue of our fathers established remain the glory and defense of their children.

The general prevalence of the blessings of health through our wide land has made more conspicuous the sufferings and sorrows which the dark shadow of pestilence has cast upon a portion of our people. This heavy affliction even the Divine Ruler has tempered to the suffering communities in the universal sympathy and succor which have flowed to their relief, and the whole nation may rejoice in the unity of spirit in our people by which they cheerfully share one another's burdens.

Now, therefore, I, Rutherford B. Hayes, President of the United States, do appoint Thursday, the 28th day of November next, as a day of national thanksgiving and prayer; and I earnestly recommend that, withdrawing themselves from secular cares and labors, the people of the United States do meet together on that day in their respective places of worship, there to give thanks and praise to Almighty God for His mercies and to devoutly beseech their continuance.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 30th day of October, A. D. 1878, and of the Independence of the United States the one hundred and third.

R. B. HAYES.

By the President:

WM. M. EVARTS, *Secretary of State.*

EXECUTIVE ORDERS.

EXECUTIVE MANSION,
Washington, December 31, 1877.

JAMES H. COGGESHALL, Esq.,
Marshal of the United States for the
District of Rhode Island, Providence, R. I.

SIR: By virtue of the authority conferred upon me by section 5287 of the Revised Statutes of the United States, and in execution of the same, you are hereby empowered and directed to take possession of the steamer *Estelle*, now or lately lying at Bristol, in Rhode Island, and to detain the same until further orders from me concerning the same, and to employ such portion of the land and naval forces of the United States as may be necessary for that purpose.

R. B. HAYES.

EXECUTIVE MANSION,
Washington, May 27, 1878.

SIR:* I am directed by the President to say that the several Departments of the Government will be closed on Thursday, the 30th instant, in respect to the memory of those who fell in defense of the Union, and to enable the employees to participate in the commemorative ceremonies of the day.

Very respectfully, your obedient servant,

W. K. ROGERS, *Private Secretary.*

---

* Addressed to the heads of the Executive Departments, etc.

SECOND ANNUAL MESSAGE.

EXECUTIVE MANSION, *December 2, 1878.*

Fellow-Citizens of the Senate and House of Representatives:

Our heartfelt gratitude is due to the Divine Being who holds in His hands the destinies of nations for the continued bestowal during the last year of countless blessings upon our country.

We are at peace with all other nations. Our public credit has greatly improved, and is perhaps now stronger than ever before. Abundant harvests have rewarded the labors of those who till the soil, our manufacturing industries are reviving, and it is believed that general prosperity, which has been so long anxiously looked for, is at last within our reach.

The enjoyment of health by our people generally has, however, been interrupted during the past season by the prevalence of a fatal pestilence (the yellow fever) in some portions of the Southern States, creating an emergency which called for prompt and extraordinary measures of relief. The disease appeared as an epidemic at New Orleans and at other places on the Lower Mississippi soon after midsummer. It was rapidly spread by fugitives from the infected cities and towns, and did not disappear until early in November. The States of Louisiana, Mississippi, and Tennessee have suffered severely. About 100,000 cases are believed to have occurred, of which about 20,000, according to intelligent estimates, proved fatal. It is impossible to estimate with any approach to accuracy the loss to the country occasioned by this epidemic It is to be reckoned by the hundred millions of dollars. The suffering and destitution that resulted excited the deepest sympathy in all parts of the Union. Physicians and nurses hastened from every quarter to the assistance of the afflicted communities. Voluntary contributions of money and supplies, in every needed form, were speedily and generously furnished. The Government was able to respond in some measure to the call for help, by providing tents, medicines, and food for the sick and destitute, the requisite directions for the purpose being given in the confident expectation that this action of the Executive would receive the sanction of Congress. About 1,800 tents, and rations of the value of about $25,000, were sent to cities and towns which applied for them, full details of which will be furnished to Congress by the proper Department.

The fearful spread of this pestilence has awakened a very general public sentiment in favor of national sanitary administration, which shall not only control quarantine, but have the sanitary supervision of internal commerce in times of epidemics, and hold an advisory relation to the State and municipal health authorities, with power to deal with whatever endangers the public health, and which the municipal and

State authorities are unable to regulate. The national quarantine act approved April 29, 1878, which was passed too late in the last session of Congress to provide the means for carrying it into practical operation during the past season, is a step in the direction here indicated. In view of the necessity for the most effective measures, by quarantine and otherwise, for the protection of our seaports and the country generally from this and other epidemics, it is recommended that Congress give to the whole subject early and careful consideration.

The permanent pacification of the country by the complete protection of all citizens in every civil and political right continues to be of paramount interest with the great body of our people. Every step in this direction is welcomed with public approval, and every interruption of steady and uniform progress to the desired consummation awakens general uneasiness and widespread condemnation. The recent Congressional elections have furnished a direct and trustworthy test of the advance thus far made in the practical establishment of the right of suffrage secured by the Constitution to the liberated race in the Southern States. All disturbing influences, real or imaginary, had been removed from all of these States.

The three constitutional amendments which conferred freedom and equality of civil and political rights upon the colored people of the South were adopted by the concurrent action of the great body of good citizens who maintained the authority of the National Government and the integrity and perpetuity of the Union at such a cost of treasure and life, as a wise and necessary embodiment in the organic law of the just results of the war. The people of the former slaveholding States accepted these results, and gave in every practicable form assurances that the thirteenth, fourteenth, and fifteenth amendments, and laws passed in pursuance thereof, should in good faith be enforced, rigidly and impartially, in letter and spirit, to the end that the humblest citizen, without distinction of race or color, should under them receive full and equal protection in person and property and in political rights and privileges. By these constitutional amendments the southern section of the Union obtained a large increase of political power in Congress and in the electoral college, and the country justly expected that elections would proceed, as to the enfranchised race, upon the same circumstances of legal and constitutional freedom and protection which obtained in all the other States of the Union. The friends of law and order looked forward to the conduct of these elections as offering to the general judgment of the country an important opportunity to measure the degree in which the right of suffrage could be exercised by the colored people and would be respected by their fellow-citizens; but a more general enjoyment of freedom of suffrage by the colored people and a more just and generous protection of that freedom by the communities of which they form a part were generally anticipated than the record of the elections discloses. In some of those States in which the colored people have been unable to make their opinions felt in the elections the result is mainly due to influences not easily measured or remedied by legal protection; but in the States of Louisiana and South Carolina at large, and in some particular Congressional districts outside of those States, the records of the elections seem to compel the conclusion that the rights of the colored voters have been overridden and their participation in the elections not permitted to be either general or free.

It will be for the Congress for which these elections were held to make such examinations into their conduct as may be appropriate to determine the validity of the claims of members to their seats. In the meanwhile it becomes the duty of the executive and judicial departments of the Government, each in its province, to inquire into and punish violations of the laws of the United States which have occurred. I can but repeat what I said in this connection in my last message, that whatever authority rests with me to this end I shall not hesitate to put forth; and I am unwilling to forego a renewed appeal to the legislatures, the courts, the executive authorities, and the people of the States where these wrongs have been perpetrated to give their assistance toward bringing to justice the offenders and preventing a repetition of the crimes. No means within my power will be spared to obtain a full and fair investigation of the alleged crimes and to secure the conviction and just punishment of the guilty.

It is to be observed that the principal appropriation made for the Department of Justice at the last session contained the following clause:

> And for defraying the expenses which may be incurred in the enforcement of the act approved February 28, 1871, entitled "An act to amend an act approved May 31, 1870, entitled 'An act to enforce the rights of citizens of the United States to vote in the several States of this Union, and for other purposes,'" or any acts amendatory thereof or supplementary thereto.

It is the opinion of the Attorney-General that the expenses of these proceedings will largely exceed the amount which was thus provided, and I rely confidently upon Congress to make adequate appropriations to enable the executive department to enforce the laws.

I respectfully urge upon your attention that the Congressional elections, in every district, in a very important sense, are justly a matter of political interest and concern throughout the whole country. Each State, every political party, is entitled to the share of power which is conferred by the legal and constitutional suffrage. It is the right of every citizen possessing the qualifications prescribed by law to cast one unintimidated ballot and to have his ballot honestly counted. So long as the exercise of this power and the enjoyment of this right are common and equal, practically as well as formally, submission to the results of the suffrage will be accorded loyally and cheerfully, and all the departments of Government will feel the true vigor of the popular will thus expressed.

No temporary or administrative interests of Government, however urgent or weighty, will ever displace the zeal of our people in defense of the primary rights of citizenship. They understand that the protection of liberty requires the maintenance in full vigor of the manly methods of free speech, free press, and free suffrage, and will sustain the full authority of Government to enforce the laws which are framed to preserve these inestimable rights. The material progress and welfare of the States depend on the protection afforded to their citizens. There can be no peace without such protection, no prosperity without peace, and the whole country is deeply interested in the growth and prosperity of all its parts.

While the country has not yet reached complete unity of feeling and reciprocal confidence between the communities so lately and so seriously estranged, I feel an absolute assurance that the tendencies are in that direction, and with increasing force. The power of public opinion will override all political prejudices and all sectional or State attachments in demanding that all over our wide territory the name and character of citizen of the United States shall mean one and the same thing and carry with them unchallenged security and respect.

Our relations with other countries continue peaceful. Our neutrality in contests between foreign powers has been maintained and respected.

The Universal Exposition held at Paris during the past summer has been attended by large numbers of our citizens. The brief period allowed for the preparation and arrangement of the contributions of our citizens to this great exposition was well employed in energetic and judicious efforts to overcome this disadvantage. These efforts, led and directed by the commissioner-general, were remarkably successful, and the exhibition of the products of American industry was creditable and gratifying in scope and character. The reports of the United States commissioners, giving its results in detail, will be duly laid before you. Our participation in this international competition for the favor and the trade of the world may be expected to produce useful and important results—in promoting intercourse, friendship, and commerce with other nations.

In accordance with the provisions of the act of February 28, 1878, three commissioners were appointed to an international conference on the subject of adopting a common ratio between gold and silver, for the purpose of establishing internationally the use of bimetallic money and securing fixity of relative value between those metals.

Invitations were addressed to the various governments which had expressed a willingness to participate in its deliberations. The conference held its meetings in Paris in August last. The report of the commissioners, herewith submitted, will show its results. No common ratio between gold and silver could be agreed upon by the conference. The general conclusion was reached that it is necessary to maintain in the world the monetary functions of silver as well as of gold, leaving the selection of the use of one or the other of these two metals, or of both, to be made by each state.

Congress having appropriated at its last session the sum of $5,500,000 to pay the award of the joint commission at Halifax, if, after correspondence with the British Government on the subject of the conformity of the award to the requirements of the treaty and to the terms of the question thereby submitted to the commission, the President shall deem it his duty to make the payment, communications upon these points were addressed to the British Government through the legation of the United States at London. Failing to obtain the concurrence of the British Government in the views of this Government respecting the award, I have deemed it my duty to tender the sum named within the year fixed by the treaty, accompanied by a notice of the grounds of the payment and a protest against any other construction of the same. The correspondence upon this subject will be laid before you.

The Spanish Government has officially announced the termination of the insurrection in Cuba and the restoration of peace throughout that island. Confident expectations are expressed of a revival of trade and prosperity, which it is earnestly hoped may prove well founded. Numerous claims of American citizens for relief for injuries or restoration of property have been among the incidents of the long-continued hostilities. Some of these claims are in process of adjustment by Spain, and the others are promised early and careful consideration.

The treaty made with Italy in regard to reciprocal consular privileges has been duly ratified and proclaimed.

No questions of grave importance have arisen with any other of the European powers.

The Japanese Government has been desirous of a revision of such parts of its treaties with foreign powers as relate to commerce, and it is understood has addressed to each of the treaty powers a request to open negotiations with that view. The United States Government has been inclined to regard the matter favorably. Whatever restrictions upon trade with Japan are found injurious to that people can not but affect injuriously nations holding commercial intercourse with them. Japan, after a long period of seclusion, has within the past few years made rapid strides in the path of enlightenment and progress, and, not unreasonably, is looking forward to the time when her relations with the nations of Europe and America shall be assimilated to those which they hold with each other. A treaty looking to this end has been made, which will be submitted for the consideration of the Senate.

After an interval of several years the Chinese Government has again sent envoys to the United States. They have been received, and a permanent legation is now established here by that Government. It is not doubted that this step will be of advantage to both nations in promoting friendly relations and removing causes of difference.

The treaty with the Samoan Islands, having been duly ratified and accepted on the part of both Governments, is now in operation, and a survey and soundings of the harbor of Pago-Pago have been made by a naval vessel of the United States, with a view of its occupation as a naval station if found desirable to the service.

Since the resumption of diplomatic relations with Mexico correspondence has been opened and still continues between the two Governments upon the various questions which at one time seemed to endanger their relations. While no formal agreement has been reached as to the troubles on the border, much has been done to repress and diminish them. The effective force of United States troops on the Rio Grande, by a strict and faithful compliance with instructions, has done much to remove the sources of dispute, and it is now understood that a like force of Mexican troops on the other side of the river is also making an energetic movement against the marauding Indian tribes. This Government looks with the greatest satisfaction upon every evidence of strength in the national authority of Mexico, and upon every effort put forth to prevent or to punish incursions upon our territory. Reluctant to assume any action or attitude in the control of these incursions by military movements across the border not imperatively demanded for the protection of the lives and property of our own citizens, I shall take the earliest opportunity consistent with the proper discharge of this plain duty to recognize the ability of the Mexican Government to restrain effectively violations of our territory. It is proposed to hold next year an international exhibition in Mexico, and it is believed that the display of the agricultural and manufacturing products of the two nations will tend to better understanding and increased commercial intercourse between their people.

With Brazil and the Republics of Central and South America some steps have been taken toward the development of closer commercial intercourse. Diplomatic relations have been resumed with Colombia and with Bolivia. A boundary question between the Argentine Republic and Paraguay has been submitted by those Governments for arbitration to the President of the United States, and I have, after careful examination, given a decision upon it.

A naval expedition up the Amazon and Madeira rivers has brought back information valuable both for scientific and commercial purposes. A like expedition is about visiting the coast of Africa and the Indian Ocean. The reports of diplomatic and consular officers in relation to the development of our foreign commerce have furnished many facts that have proved of public interest and have stimulated to practical exertion the enterprise of our people.

The report of the Secretary of the Treasury furnishes a detailed statement of the operations of that Department of the Government and of the condition of the public finances.

The ordinary revenues from all sources for the fiscal year ended June 30, 1878, were $257,763,878.70; the ordinary expenditures for the same period were $236,964,326.80, leaving a surplus revenue for the year of $20,799,551.90. The receipts for the present fiscal year, ending June 30, 1879, actual and estimated, are as follows: Actual receipts for the first quarter, commencing July 1, 1878, $73,389,743.43; estimated receipts for the remaining three quarters of the year, $191,110,256.57; total receipts for the current fiscal year, actual and estimated, $264,500,000. The expenditures for the same period will be, actual and estimated, as follows: For the quarter commencing July 1, 1878, actual expenditures, $73,344,573.27; and for the remaining three quarters of the year the expenditures are estimated at $166,755,426.73, making the total expenditures $240,100,000, and leaving an estimated surplus revenue for the year ending June 30, 1879, of $24,400,000. The total receipts during the next fiscal year, ending June 30, 1880, estimated according to existing laws, will be $264,500,000, and the estimated ordinary expenditures for the same period will be $236,320,412.68, leaving a surplus of $28,179,587.32 for that year.

In the foregoing statements of expenditures, actual and estimated, no amount is allowed for the sinking fund provided for by the act approved February 25, 1862, which requires that 1 per cent of the entire debt of the United States shall be purchased or paid within each fiscal year, to be set apart as a sinking fund. There has been, however, a substantial compliance with the conditions of the law. By its terms the public debt should have been reduced between 1862 and the close of the last fiscal year $518,361,806.28; the actual reduction of the ascertained debt in that period has been $720,644,739.61, being in excess of the reduction required by the sinking fund act $202,282,933.33.

The amount of the public debt, less cash in the Treasury, November 1, 1878, was $2,024,200,083.18, a reduction since the same date last year of $23,150,617.39.

The progress made during the last year in refunding the public debt at lower rates of interest is very gratifying. The amount of 4 per cent bonds sold during the present year prior to November 23, 1878, is $100,270,900, and 6 per cent bonds, commonly known as five-twenties, to an equal amount, have been or will be redeemed as calls mature.

It has been the policy of the Department to place the 4 per cent bonds within easy reach of every citizen who desires to invest his savings, whether small or great, in these securities. The Secretary of the Treasury recommends that the law be so modified that small sums may be invested, and that through the post-offices or other agents of the Government the freest opportunity may be given in all parts of the country for such investments.

The best mode suggested is that the Department be authorized to issue certificates of deposit, of the denomination of $10, bearing interest at the rate of 3.65 per cent per annum and convertible at any time within one year after their issue into the 4 per cent bonds authorized by the refunding act, and to be issued only in exchange for United States notes sent to the Treasury by mail or otherwise. Such a provision of law, supported by suitable regulations, would enable any person readily, without cost or risk, to convert his money into an interest-bearing security of the United States, and the money so received could be applied to the redemption of 6 per cent bonds.

The coinage of gold during the last fiscal year was $52,798,980. The coinage of silver dollars under the act passed February 28, 1878, amounted on the 23d of November, 1878, to $19,814,550, of which amount $4,984,947 are in circulation, and the balance, $14,829,603, is still in the possession of the Government.

With views unchanged with regard to the act under which the coinage of silver proceeds, it has been the purpose of the Secretary faithfully to execute the law and to afford a fair trial to the measure.

In the present financial condition of the country I am persuaded that the welfare of legitimate business and industry of every description will be best promoted by abstaining from all attempts to make radical changes in the existing financial legislation. Let it be understood that during the coming year the business of the country will be undisturbed by governmental interference with the laws affecting it, and we may confidently expect that the resumption of specie payments, which will take place at the appointed time, will be successfully and easily maintained, and that it will be followed by a healthful and enduring revival of business prosperity.

Let the healing influence of time, the inherent energies of our people, and the boundless resources of our country have a fair opportunity, and relief from present difficulties will surely follow.

The report of the Secretary of War shows that the Army has been well and economically supplied; that our small force has been actively employed and has faithfully performed all the service required of it. The morale of the Army has improved and the number of desertions has materially decreased during the year.

The Secretary recommends—

1. That a pension be granted to the widow of the late Lieutenant Henry H. Benner, Eighteenth Infantry, who lost his life by yellow fever while in command of the steamer *J. M. Chambers*, sent with supplies for the relief of sufferers in the South from that disease.

2. The establishment of the annuity scheme for the benefit of the heirs of deceased officers, as suggested by the Paymaster-General.

3. The adoption by Congress of a plan for the publication of the records of the War of the Rebellion, now being prepared for that purpose.

4. The increase of the extra per diem of soldier teachers employed in post schools, and liberal appropriations for the erection of buildings for schools and libraries at the different posts.

5. The repeal or amendment of the act of June 18, 1878, forbidding the use of the Army "as a *posse comitatus*, or otherwise, for the purpose of executing the laws, except in such cases and under such circumstances as such employment of said force may be expressly authorized by the Constitution or by act of Congress."

6. The passage of a joint resolution of Congress legalizing the issues of rations, tents, and medicines which were made for the relief of sufferers from yellow fever.

7. That provision be made for the erection of a fireproof building for the preservation of certain valuable records, now constantly exposed to destruction by fire.

These recommendations are all commended to your favorable consideration.

The report of the Secretary of the Navy shows that the Navy has improved during the last fiscal year. Work has been done on seventy-five vessels, ten of which have been thoroughly repaired and made ready for sea. Two others are in rapid progress toward completion. The total expenditures of the year, including the amount appropriated for the deficiencies of the previous year, were $17,468,392.65. The actual expenses chargeable to the year, exclusive of those deficiencies, were $13,306,914.09, or $767,199.18 less than those of the previous year, and $4,928,677.74 less than the expenses including the deficiencies. The estimates for the fiscal year ending June 30, 1880, are $14,562,381.45, exceeding the appropriations of the present year only $33,949.75, which excess is occasioned by the demands of the Naval Academy and the Marine Corps, as explained in the Secretary's report. The appropriations for the present fiscal year are $14,528,431.70, which, in the opinion of the Secretary, will be ample for all the current expenses of the Department during the year. The amount drawn from the Treasury from July 1 to November 1, 1878, is $4,740,544.14, of which $70,980.75 has been refunded, leaving as the expenditure for that period $4,669,563.39, or $520,899.24 less than the corresponding period of the last fiscal year.

The report of the Postmaster-General embraces a detailed statement of the operations of the Post-Office Department. The expenditures of that Department for the fiscal year ended June 30, 1878, were $34,165,084.49. The receipts, including sales of stamps, money-order business, and official stamps, were $29,277,516.95. The sum of $290,436.90, included in the foregoing statement of expenditures, is chargeable to preceding years, so that the actual expenditures for the fiscal year ended June 30, 1878, are $33,874,647.59. The amount drawn from the Treasury on appropriations, in addition to the revenues of the Department, was $5,307,652.82. The expenditures for the fiscal year ending June 30, 1880, are estimated at $36,571.900 and the receipts from all sources at $30,664,023.90, leaving a deficiency to be appropriated out of the Treasury of $5,907,876.10. The report calls attention to the fact that the compensation of postmasters and of railroads for carrying the mail is regulated by law, and that the failure of Congress to appropriate the amounts required for these purposes does not relieve the Government of responsibility, but necessarily increases the deficiency bills which Congress will be called upon to pass.

In providing for the postal service the following questions are presented: Should Congress annually appropriate a sum for its expenses largely in excess of its revenues, or should such rates of postage be established as will make the Department self-sustaining? Should the postal service be reduced by excluding from the mails matter which does not pay its way? Should the number of post routes be diminished? Should other methods be adopted which will increase the revenues or diminish the expenses of the postal service?

The International Postal Congress which met at Paris May 1, 1878, and continued in session until June 4 of the same year, was composed of delegates from nearly all the civilized countries of the world. It adopted a new convention (to take the place of the treaty concluded at Berne October 9, 1874), which goes into effect on the 1st of April, 1879, between the countries whose delegates have signed it. It was ratified and approved, by and with the consent of the President, August 13, 1878. A synopsis of this Universal Postal Convention will be found in the report of the Postmaster-General, and the full text in the appendix thereto. In its origin the Postal Union comprised twenty-three countries, having a population of 350,000,000 people. On the 1st of April next it will comprise forty-three countries and colonies, with a population of more than 650,000,000 people, and will soon, by the accession of the few remaining countries and colonies which maintain organized postal services, constitute in fact as well as in name, as its new title indicates, a universal union, regulating, upon a uniform basis of cheap postage rates, the postal intercourse between all civilized nations.

Some embarrassment has arisen out of the conflict between the customs laws of this country and the provisions of the Postal Convention in regard to the transmission of foreign books and newspapers to this country by mail. It is hoped that Congress will be able to devise some means of reconciling the difficulties which have thus been created, so as to do justice to all parties involved.

The business of the Supreme Court and of the courts in many of the circuits has increased to such an extent during the past year that additional legislation is imperative to relieve and prevent the delay of justice and possible oppression to suitors which is thus occasioned. The encumbered condition of these dockets is presented anew in the report of the Attorney-General, and the remedy suggested is earnestly urged for Congressional action. The creation of additional circuit judges, as proposed, would afford a complete remedy, and would involve an expense, at the present rate of salaries, of not more than $60,000 a year.

The annual reports of the Secretary of the Interior and of the Commissioner of Indian Affairs present an elaborate account of the present condition of the Indian tribes and of that branch of the public service which ministers to their interests. While the conduct of the Indians generally has been orderly and their relations with their neighbors friendly and peaceable, two local disturbances have occurred, which were deplorable in their character, but remained, happily, confined to a comparatively small number of Indians. The discontent among the Bannocks, which led first to some acts of violence on the part of some members of the tribe and finally to the outbreak, appears to have been caused by an insufficiency of food on the reservation, and this insufficiency to have been owing to the inadequacy of the appropriations made by Congress to the wants of the Indians at a time when the Indians were prevented from supplying the deficiency by hunting. After an arduous pursuit by the troops of the United States, and several engagements, the hostile Indians were reduced to subjection, and the larger part of them surrendered themselves as prisoners. In this connection I desire to call attention to the recommendation made by the Secretary of the Interior, that a sufficient fund be placed at the disposal of the Executive, to be used, with proper accountability, at discretion, in sudden emergencies of the Indian service.

The other case of disturbance was that of a band of Northern Cheyennes, who suddenly left their reservation in the Indian Territory and marched rapidly through the States of Kansas and Nebraska in the direction of their old hunting grounds, committing murders and other crimes on their way. From documents accompanying the report of the Secretary of the Interior it appears that this disorderly band was as fully supplied with the necessaries of life as the 4,700 other Indians who remained quietly on the reservation, and that the disturbance was caused by men of a restless and mischievous disposition among the Indians themselves. Almost the whole of this band have surrendered to the military authorities; and it is a gratifying fact that when some of them had taken refuge in the camp of the Red Cloud Sioux, with whom they had been in friendly relations, the Sioux held them as prisoners and readily gave them up to the officers of the United States, thus giving new proof of the loyal spirit which, alarming rumors to the contrary notwithstanding, they have uniformly shown ever since the wishes they expressed at the council of September, 1877, had been complied with.

Both the Secretary of the Interior and the Secretary of War unite in the recommendation that provision be made by Congress for the organization of a corps of mounted "Indian auxiliaries," to be under the control of the Army and to be used for the purpose of keeping the Indians on their reservations and preventing or repressing disturbance on their part. I earnestly concur in this recommendation. It is believed that the organization of such a body of Indian cavalry, receiving a moderate pay from the Government, would considerably weaken the restless element among the Indians by withdrawing from it a number of young men and giving them congenial employment under the Government, it being a matter of experience that Indians in our service almost without exception are faithful in the performance of the duties assigned to them. Such an organization would materially aid the Army in the accomplishment of a task for which its numerical strength is sometimes found insufficient.

But while the employment of force for the prevention or repression of Indian troubles is of occasional necessity, and wise preparation should be made to that end, greater reliance must be placed on humane and civilizing agencies for the ultimate solution of what is called the Indian problem. It may be very difficult and require much patient effort to curb the unruly spirit of the savage Indian to the restraints of civilized life, but experience shows that it is not impossible. Many of the tribes which are now quiet and orderly and self-supporting were once as savage as any that at present roam over the plains or in the mountains of the far West, and were then considered inaccessible to civilizing influences. It may be impossible to raise them fully up to the level of the white population of the United States; but we should not forget that they are the aborigines of the country, and called the soil their own on which our people have grown rich, powerful, and happy. We owe it to them as a moral duty to help them in attaining at least that degree of civilization which they may be able to reach. It is not only our duty, it is also our interest to do so. Indians who have become agriculturists or herdsmen, and feel an interest in property, will thenceforth cease to be a warlike and disturbing element. It is also a well-authenticated fact that Indians are apt to be peaceable and quiet when their children are at school, and I am gratified to know, from the expressions of Indians themselves and from many concurring reports, that there is a steadily increasing desire, even among Indians belonging to comparatively wild tribes, to have their children educated. I invite attention to the reports of the Secretary of the Interior and the Commissioner of Indian Affairs touching the experiment recently inaugurated, in taking fifty Indian children, boys and girls, from different tribes, to the Hampton Normal Agricultural Institute in Virginia, where they are to receive an elementary English education and training in agriculture and other useful works, to be returned to their tribes, after the completed course, as interpreters, instructors, and examples. It is reported that the officer charged with the selection of those children might have had thousands of young Indians sent with him had it been possible to make provision for them. I agree with the Secretary of the Interior in saying that "the result of this interesting experiment, if favorable, may be destined to become an important factor in the advancement of civilization among the Indians."

The question whether a change in the control of the Indian service should be made was at the last session of Congress referred to a committee for inquiry and report. Without desiring to anticipate that report, I venture to express the hope that in the decision of so important a question the views expressed above may not be lost sight of, and that the decision, whatever it may be, will arrest further agitation of this subject, such agitation being apt to produce a disturbing effect upon the service, as well as on the Indians themselves.

In the enrollment of the bill making appropriations for sundry civil expenses, at the last session of Congress, that portion which provided for the continuation of the Hot Springs Commission was omitted. As the commission had completed the work of taking testimony on the many conflicting claims, the suspension of their labors, before determining the rights of claimants, threatened for a time to embarrass the interests, not only of the Government, but also of a large number of the citizens of Hot Springs, who were waiting for final action on their claims before beginning contemplated improvements. In order to prevent serious difficulties, which were apprehended, and at the solicitation of many leading citizens of Hot Springs and others interested in the welfare of the town, the Secretary of the Interior was authorized to request the late commissioners to take charge of the records of their proceedings and to perform such work as could properly be done by them under such circumstances to facilitate the future adjudication of the claims at an early day and to preserve the status of the claimants until their rights should be finally determined. The late commissioners complied with that request, and report that the testimony in all the cases has been written out, examined, briefed, and so arranged as to facilitate an early settlement when authorized by law. It is recommended that the requisite authority be given at as early a day in the session as possible, and that a fair compensation be allowed the late commissioners for the expense incurred and the labor performed by them since the 25th of June last.

I invite the attention of Congress to the recommendations made by the Secretary of the Interior with regard to the preservation of the timber on the public lands of the United States. The protection of the public property is one of the first duties of the Government. The Department of the Interior should therefore be enabled by sufficient appropriations to enforce the laws in that respect. But this matter appears still more important as a question of public economy. The rapid destruction of our forests is an evil fraught with the gravest consequences, especially in the mountainous districts, where the rocky slopes, once denuded of their trees, will remain so forever. There the injury, once done, can not be repaired. I fully concur with the Secretary of the Interior in the opinion that for this reason legislation touching the public timber in the mountainous States and Territories of the West should be especially well considered, and that existing laws in which the destruction of the forests is not sufficiently guarded against should be speedily modified. A general law concerning this important subject appears to me to be a matter of urgent public necessity.

From the organization of the Government the importance of encouraging by all possible means the increase of our agricultural productions has been acknowledged and urged upon the attention of Congress and the people as the surest and readiest means of increasing our substantial and enduring prosperity.

The words of Washington are as applicable to-day as when, in his eighth annual message, he said:

> It will not be doubted that, with reference either to individual or national welfare, agriculture is of primary importance. In proportion as nations advance in population and other circumstances of maturity this truth becomes more apparent, and renders the cultivation of the soil more and more an object of public patronage. Institutions for promoting it grow up, supported by the public purse; and to what object can it be dedicated with greater propriety? Among the means which have been employed to this end none have been attended with greater success than the establishment of boards (composed of proper characters) charged with collecting and diffusing information, and enabled by premiums and small pecuniary aids to encourage and assist a spirit of discovery and improvement. This species of establishment contributes doubly to the increase of improvement, by stimulating to enterprise and experiment, and by drawing to a common center the results everywhere of individual skill and observation and spreading them thence over the whole nation. Experience accordingly hath shewn that they are very cheap instruments of immense national benefits.

The preponderance of the agricultural over any other interest in the United States entitles it to all the consideration claimed for it by Washington. About one-half of the population of the United States is engaged in agriculture. The value of the agricultural products of the United States for the year 1878 is estimated at $3,000,000,000. The exports of agricultural products for the year 1877, as appears from the report of the Bureau of Statistics, were $524,000,000. The great extent of our country, with its diversity of soil and climate, enables us to produce within our own borders and by our own labor not only the necessaries, but most of the luxuries, that are consumed in civilized countries. Yet, notwithstanding our advantages of soil, climate, and intercommunication, it appears from the statistical statements in the report of the Commissioner of Agriculture that we import annually from foreign lands many millions of dollars worth of agricultural products which could be raised in our own country.

Numerous questions arise in the practice of advanced agriculture which can only be answered by experiments, often costly and sometimes fruitless, which are beyond the means of private individuals and are a just and proper charge on the whole nation for the benefit of the nation. It is good policy, especially in times of depression and uncertainty in other business pursuits, with a vast area of uncultivated, and hence unproductive, territory, wisely opened to homestead settlement, to encourage by every proper and legitimate means the occupation and tillage of the soil. The efforts of the Department of Agriculture to stimulate old and introduce new agricultural industries, to improve the quality and increase the quantity of our products, to determine the value of old or establish the importance of new methods of culture, are worthy of your careful and favorable consideration, and assistance by such appropriations of money and enlargement of facilities as may seem to be demanded by the present favorable conditions for the growth and rapid development of this important interest.

The abuse of animals in transit is widely attracting public attention. A national convention of societies specially interested in the subject has recently met at Baltimore, and the facts developed, both in regard to cruelties to animals and the effect of such cruelties upon the public health, would seem to demand the careful consideration of Congress and the enactment of more efficient laws for the prevention of these abuses.

The report of the Commissioner of the Bureau of Education shows very gratifying progress throughout the country in all the interests committed to the care of this important office. The report is especially encouraging with respect to the extension of the advantages of the common-school system in sections of the country where the general enjoyment of the privilege of free schools is not yet attained.

To education more than to any other agency we are to look as the resource for the advancement of the people in the requisite knowledge and appreciation of their rights and responsibilities as citizens, and I desire to repeat the suggestion contained in my former message in behalf of the enactment of appropriate measures by Congress for the purpose of supplementing with national aid the local systems of education in the several States.

Adequate accommodations for the great library, which is overgrowing the capacity of the rooms now occupied at the Capitol, should be provided without further delay. This invaluable collection of books, manuscripts, and illustrative art has grown to such proportions, in connection with the copyright system of the country, as to demand the prompt and careful attention of Congress to save it from injury in its present crowded and insufficient quarters. As this library is national in its character, and must from the nature of the case increase even more rapidly in the future than in the past, it can not be doubted that the people will sanction any wise expenditure to preserve it and to enlarge its usefulness.

The appeal of the Regents of the Smithsonian Institution for the means to organize, exhibit, and make available for the public benefit the articles now stored away belonging to the National Museum I heartily recommend to your favorable consideration.

The attention of Congress is again invited to the condition of the river front of the city of Washington. It is a matter of vital importance to the health of the residents of the national capital, both temporary and permanent, that the lowlands in front of the city, now subject to tidal overflow, should be reclaimed. In their present condition these flats obstruct the drainage of the city and are a dangerous source of malarial poison. The reclamation will improve the navigation of the river by restricting, and consequently deepening, its channel, and is also of importance when considered in connection with the extension of the public ground and the enlargement of the park west and south of the Washington Monument. The report of the board of survey, heretofore ordered by act of Congress, on the improvement of the harbor of Washington and Georgetown, is respectfully commended to consideration.

The report of the Commissioners of the District of Columbia presents a detailed statement of the affairs of the District.

The relative expenditures by the United States and the District for local purposes is contrasted, showing that the expenditures by the people of the District greatly exceed those of the General Government. The exhibit is made in connection with estimates for the requisite repair of the defective pavements and sewers of the city, which is a work of immediate necessity; and in the same connection a plan is presented for the permanent funding of the outstanding securities of the District.

The benevolent, reformatory, and penal institutions of the District are all entitled to the favorable attention of Congress. The Reform School needs additional buildings and teachers. Appropriations which will place all of these institutions in a condition to become models of usefulness and beneficence will be regarded by the country as liberality wisely bestowed.

The Commissioners, with evident justice, request attention to the discrimination made by Congress against the District in the donation of land for the support of the public schools, and ask that the same liberality that has been shown to the inhabitants of the various States and Territories of the United States may be extended to the District of Columbia.

The Commissioners also invite attention to the damage inflicted upon public and private interests by the present location of the depots and switching tracks of the several railroads entering the city, and ask for legislation looking to their removal. The recommendations and suggestions contained in the report will, I trust, receive the careful consideration of Congress.

Sufficient time has, perhaps, not elapsed since the reorganization of the government of the District under the recent legislation of Congress for the expression of a confident opinion as to its successful operation, but the practical results already attained are so satisfactory that the friends of the new government may well urge upon Congress the wisdom of its continuance, without essential modification, until by actual experience its advantages and defects may be more fully ascertained.

R. B. HAYES.

SPECIAL MESSAGES.

WASHINGTON, *December 4, 1878.*

To the Senate of the United States:

I transmit, for the consideration of the Senate with a view to ratification, a declaration respecting trade-marks between the United States and Brazil, concluded and signed at Rio de Janeiro on the 24th day of September last.

R. B. HAYES.

WASHINGTON, *December 4, 1878.*

To the Senate of the United States:

I transmit, for the consideration of the Senate with a view to ratification, a convention revising certain portions of existing commercial treaties and further extending commercial intercourse between the United States and Japan, concluded and signed at Washington on the 25th day of July last.

R. B. HAYES.

WASHINGTON, *December 9, 1878.*

To the Senate of the United States:

I transmit herewith a report from the Secretary of State, together with the copies of papers* therein referred to, in compliance with the resolution of the Senate of the 27th of May last.

R. B. HAYES.

WASHINGTON, *December 16, 1878.*

To the House of Representatives:

In answer to the resolution of the House of Representatives of the 5th instant, I transmit herewith a report from the Secretary of State, with its accompanying papers.†

R. B. HAYES.

EXECUTIVE MANSION, *December 17, 1878.*

To the Senate of the United States:

In answer to the resolution of the Senate of the 5th instant, requesting the transmission to the Senate of "any information which may have been received by the Departments concerning postal and commercial intercourse between the United States and South American countries, together with any recommendations desirable to be submitted of measures to be adopted for facilitating and improving such intercourse," I transmit herewith reports from the Secretary of State and the Postmaster-General, with accompanying papers.

---

*Correspondence relative to claims of United States citizens against Nicaragua.

†Correspondence relative to the expulsion from the German Empire of Julius Baumer, a naturalized citizen of the United States.

The external commerce of the United States has for many years been the subject of solicitude because of the outward drain of the precious metals it has caused. For fully twenty years previous to 1877 the shipment of gold was constant and heavy—so heavy during the entire period of the suspension of specie payments as to preclude the hope of resumption safely during its continuance. In 1876, however, vigorous efforts were made by enterprising citizens of the country, and have since been continued, to extend our general commerce with foreign lands, especially in manufactured articles, and these efforts have been attended with very marked success.

The importation of manufactured goods was at the same time reduced in an equal degree, and the result has been an extraordinary reversal of the conditions so long prevailing and a complete cessation of the outward drain of gold. The official statement of the values represented in foreign commerce will show the unprecedented magnitude to which the movement has attained, and the protection thus secured to the public interests at the time when commercial security has become indispensable.

The agencies through which this change has been effected must be maintained and strengthened if the future is to be made secure. A return to excessive imports or to a material decline in export trade would render possible a return to the former condition of adverse balances, with the inevitable outward drain of gold as a necessary consequence. Every element of aid to the introduction of the products of our soil and manufactures into new markets should be made available. At present such is the favor in which many of the products of the United States are held that they obtain a remunerative distribution, notwithstanding positive differences of cost resulting from our defective shipping and the imperfection of our arrangements in every respect, in comparison with those of our competitors, for conducting trade with foreign markets.

If we have equal commercial facilities, we need not fear competition anywhere.

The laws have now directed a resumption of financial equality with other nations, and have ordered a return to the basis of coin values. It is of the greatest importance that the commercial condition now fortunately attained shall be made permanent, and that our rapidly increasing export trade shall not be allowed to suffer for want of the ordinary means of communication with other countries.

The accompanying reports contain a valuable and instructive summary of information with respect to our commercial interests in South America, where an inviting field for the enterprise of our people is presented. They are transmitted with the assurance that any measures that may be enacted in furtherance of these important interests will meet with my cordial approval.

R. B. HAYES.

EXECUTIVE MANSION,
Washington, January 7, 1879.

To the House of Representatives:

In answer to the resolution of the House of Representatives of the 4th of December last, I transmit herewith a report from the Secretary of State, with its accompanying papers.*

R. B. HAYES.

WASHINGTON, *January 13, 1879.*

To the Senate of the United States:

In answer to a resolution of the Senate of the 3d of June last, requesting a copy of correspondence between this Government and that of Her Britannic Majesty in regard to inviting other maritime powers to accede to the three rules of neutrality laid down in Article VI of the treaty of May 8, 1871, I transmit herewith a report of the Secretary of State, together with its accompanying papers.

R. B. HAYES.

EXECUTIVE MANSION, *January 13, 1879.*

To the Senate of the United States:

In answer to a resolution of the Senate of the 17th of June last, requesting the Commissioner of Agriculture to send to the Senate certain reports on sheep husbandry, copies of the same, with accompanying papers, received from the Commissioner of Agriculture for this purpose, are herewith transmitted.

R. B. HAYES.

EXECUTIVE MANSION, *January 20, 1879.*

To the House of Representatives:

In answer to resolution of the House of Representatives of the 16th instant, requesting the Commissioner of Agriculture to forward to the House any facts or statistics in his office on the subject of forestry not heretofore reported, copies of the same, with accompanying papers, received from the Commissioner for this purpose, are herewith transmitted.

R. B. HAYES.

WASHINGTON, D. C., *January 23, 1879.*

To the House of Representatives:

In answer to a resolution of the 25th of May last, requesting information respecting the claim of Messrs. Carlos Butterfield & Co. against the Government of Denmark, I transmit herewith to the House of Representatives a report of the Secretary of State and its accompanying papers.

R. B. HAYES.

---

*Correspondence relative to commercial relations with Mexico.

WASHINGTON, *January 24, 1879.*

To the House of Representatives:

In answer to a resolution of the House of Representatives of the 7th instant, I transmit herewith a report* from the Secretary of State, with its accompanying papers.

R. B. HAYES.

EXECUTIVE MANSION, *January 24, 1879.*

To the Senate and House of Representatives:

I transmit herewith, for the consideration of Congress, copies of a report and accompanying papers received from the Secretary of the Interior, upon a communication addressed to the President of the United States in behalf of a certain claim of the Choctaw Nation arising under the provisions of the Choctaw and Chickasaw treaty of June 22, 1855.

R. B. HAYES.

EXECUTIVE MANSION, *January 31, 1879.*

To the Senate of the United States:

I transmit herewith a letter of the Secretary of the Treasury, in relation to the suspension of the late collector and naval officer of the port of New York, with accompanying documents.

In addition thereto I respectfully submit the following observations:

The custom-house in New York collects more than two-thirds of all the customs revenues of the Government. Its administration is a matter not of local interest merely, but is of great importance to the people of the whole country. For a long period of time it has been used to manage and control political affairs.

The officers suspended by me are and for several years have been engaged in the active personal management of the party politics of the city and State of New York. The duties of the offices held by them have been regarded as of subordinate importance to their partisan work. Their offices have been conducted as part of the political machinery under their control. They have made the custom-house a center of partisan political management. The custom-house should be a business office. It should be conducted on business principles. General James, the postmaster of New York City, writing on this subject, says:

> The post-office is a business institution, and should be run as such. It is my deliberate judgment that I and my subordinates can do more for the party of our choice by giving the people of this city a good and efficient postal service than by controlling primaries or dictating nominations.

The New York custom-house should be placed on the same footing with the New York post-office. But under the suspended officers the custom-house would be one of the principal political agencies in the State of New York. To change this, they profess to believe, would be, in the language of Mr. Cornell in his response, "to surrender their personal and political rights."

---

*Relating to the claim of John C. Landreau against the Government of Peru.

Convinced that the people of New York and of the country generally wish the New York custom-house to be administered solely with a view to the public interest, it is my purpose to do all in my power to introduce into this great office the reforms which the country desires.

With my information of the facts in the case, and with a deep sense of the responsible obligation imposed upon me by the Constitution "to take care that the laws be faithfully executed," I regard it as my plain duty to suspend the officers in question and to make the nominations now before the Senate, in order that this important office may be honestly and efficiently administered.

R. B. HAYES.

WASHINGTON, *February 6, 1879.*

To the Senate of the United States:

I transmit herewith, for the information of Congress, a report from the Secretary of State, with the accompanying papers therein referred to, in relation to the proceedings of the International Monetary Conference held at Paris in August, 1878.

R. B. HAYES.

EXECUTIVE MANSION, *February 8, 1879.*

To the Senate and House of Representatives:

I transmit herewith, for the consideration of Congress, the report of the commission appointed under the provisions of the act approved May 3, 1878, entitled "An act authorizing the President of the United States to make certain negotiations with the Ute Indians in the State of Colorado," with copies of letters from the Secretary of the Interior and the Commissioner of Indian Affairs, and accompanying documents.

R. B. HAYES.

WASHINGTON, D. C., *February 15, 1879.*

To the Senate and House of Representatives:

I transmit herewith report from the Secretary of State, and accompanying papers, in relation to proceedings of the International Prison Congress of Stockholm, held in August last.

R. B. HAYES.

WASHINGTON, D. C., *February 18, 1879.*

To the House of Representatives:

I transmit herewith a report from the Secretary of State, dated the 17th instant, in relation to the destruction of the bark *Forest Belle* in

Chinese waters in March last, submitted in compliance with the resolution of the House of Representatives of February 4, 1879.

R. B. HAYES.

EXECUTIVE MANSION,
February 21, 1879.

To the Senate and House of Representatives:

Referring to my communication to Congress under date of the 8th instant, transmitting the report of the commission appointed under the act entitled "An act authorizing the President of the United States to make certain negotiations with the Ute Indians in the State of Colorado," I submit herewith a copy of a letter from the Secretary of the Interior and additional papers upon the same subject.

R. B. HAYES.

WASHINGTON, *February 28, 1879.*

To the Senate of the United States:

I transmit herewith a report from the Secretary of State, with its accompanying papers, submitted in pursuance of a resolution of the Senate of the 20th instant, in relation to railroads in Mexico.

R. B. HAYES.

WASHINGTON, *March 3, 1879.*

To the Senate and House of Representatives:

I have received from the United States Centennial Commission their final report, presenting a full exhibit of the result of the United States Centennial Celebration and Exhibition of 1876, as required by the act of June 1, 1872.

In transmitting this report for the consideration of Congress, I express, I believe, the general judgment of the country, as well as my own, in assigning to this exhibition a measure of success gratifying to the pride and patriotism of our people and full of promise to the great industrial and commercial interests of the nation. The very ample and generous contributions which the foreign nations made to the splendor and usefulness of the exhibition and the cordiality with which their representatives took part in our national commemoration deserve our profound acknowledgments. At this close of the great services rendered by the United States Centennial Commission and the Centennial board of finance, it gives me great pleasure to commend to your attention and that of the people of the whole country the laborious, faithful, and prosperous performances of their duties which have marked the administration of their respective trusts.

R. B. HAYES.

VETO MESSAGE.

EXECUTIVE MANSION, *March 1, 1879.*

To the House of Representatives:

After a very careful consideration of House bill 2423, entitled "An act to restrict the immigration of Chinese to the United States," I herewith return it to the House of Representatives, in which it originated, with my objections to its passage.

The bill, as it was sent to the Senate from the House of Representatives, was confined in its provisions to the object named in its title, which is that of "An act to restrict the immigration of Chinese to the United States." The only means adopted to secure the proposed object was the limitation on the number of Chinese passengers which might be brought to this country by any one vessel to fifteen; and as this number was not fixed in any proportion to the size or tonnage of the vessel or by any consideration of the safety or accommodation of these passengers, the simple purpose and effect of the enactment were to repress this immigration to an extent falling but little short of its absolute exclusion.

The bill, as amended in the Senate and now presented to me, includes an independent and additional provision which aims at and in terms requires the abrogation by this Government of Articles V and VI of the treaty with China commonly called the Burlingame treaty, through the action of the Executive enjoined by this provision of the act.

The Burlingame treaty, of which the ratifications were exchanged at Peking November 23, 1869, recites as the occasion and motive of its negotiation by the two Governments that "since the conclusion of the treaty between the United States of America and the Ta Tsing Empire (China) of the 18th of June, 1858, circumstances have arisen showing the necessity of additional articles thereto," and proceeds to an agreement as to said additional articles. These negotiations, therefore, ending by the signature of the additional articles July 28, 1868, had for their object the completion of our treaty rights and obligations toward the Government of China by the incorporation of these new articles as thenceforth parts of the principal treaty to which they are made supplemental. Upon the settled rules of interpretation applicable to such supplemental negotiations the text of the principal treaty and of these "additional articles thereto" constitute one treaty from the conclusion of the new negotiations, in all parts of equal and concurrent force and obligation between the two Governments, and to all intents and purposes as if embraced in one instrument.

The principal treaty, of which the ratifications were exchanged August 16, 1859, recites that "the United States of America and the Ta Tsing Empire, desiring to maintain firm, lasting, and sincere friendship, have resolved to renew, in a manner clear and positive, by means of a treaty or general convention of peace, amity, and commerce, the rules which shall in future be mutually observed in the intercourse of their respective countries,'' and proceeds in its thirty articles to lay out a careful and comprehensive system for the commercial relations of our people with China. The main substance of all the provisions of this treaty is to define and secure the rights of our people in respect of access to, residence and protection in, and trade with China. The actual provisions in our favor in these respects were framed to be, and have been found to be, adequate and appropriate to the interests of our commerce; and by the concluding article we receive the important guaranty that—

> Should at any time the Ta Tsing Empire grant to any nation, or the merchants or citizens of any nation, any right, privilege, or favor, connected either with navigation, commerce, political or other intercourse, which is not conferred by this treaty, such right, privilege, and favor shall at once freely inure to the benefit of the United States, its public officers, merchants, and citizens.

Against this body of stipulations in our favor and this permanent engagement of equality in respect of all future concessions to foreign nations the general promise of permanent peace and good offices on our part seems to be the only equivalent. For this the first article undertakes as follows:

> There shall be, as there have always been, peace and friendship between the United States of America and the Ta Tsing Empire, and between their people respectively. They shall not insult or oppress each other for any trifling cause, so as to produce an estrangement between them; and if any other nation should act unjustly or oppressively, the United States will exert their good offices, on being informed of the case, to bring about an amicable arrangement of the question, thus showing their friendly feelings.

At the date of the negotiation of this treaty our Pacific possessions had attracted a considerable Chinese emigration, and the advantages and the inconveniences felt or feared therefrom had become more or less manifest; but they dictated no stipulations on the subject to be incorporated in the treaty. The year 1868 was marked by the striking event of a spontaneous embassy from the Chinese Empire, headed by an American citizen, Anson Burlingame, who had relinquished his diplomatic representation of his own country in China to assume that of the Chinese Empire to the United States and the European nations. By this time the facts of the Chinese immigration and its nature and influences, present and prospective, had become more noticeable and were more observed by the population immediately affected and by this Government. The principal feature of the Burlingame treaty was its attention to and its treatment of the Chinese immigration and the Chinese as forming, or as they should form, a part of our population. Up to this time our uncovenanted hospitality to immigration, our fearless liberality of citizenship, our equal and comprehensive justice to all inhabitants, whether they abjured their foreign nationality or not, our civil freedom, and our religious toleration had made all comers welcome, and under these protections the Chinese in considerable numbers had made their lodgment upon our soil.

The Burlingame treaty undertakes to deal with this situation, and its fifth and sixth articles embrace its most important provisions in this regard and the main stipulations in which the Chinese Government has secured an obligatory protection of its subjects within our territory. They read as follows:

> ART. V. The United States of America and the Emperor of China cordially recognize the inherent and inalienable right of man to change his home and allegiance, and also the mutual advantage of the free migration and emigration of their citizens and subjects respectively from the one country to the other for purposes of curiosity, of trade, or as permanent residents. The high contracting parties therefore join in reprobating any other than an entirely voluntary emigration for these purposes. They consequently agree to pass laws making it a penal offense for a citizen of the United States or Chinese subjects to take Chinese subjects either to the United States or to any other foreign country, or for a Chinese subject or citizen of the United States to take citizens of the United States to China or to any other foreign country, without their free and voluntary consent, respectively.
>
> ART. VI. Citizens of the United States visiting or residing in China shall enjoy the same privileges, immunities, or exemptions in respect to travel or residence as may there be enjoyed by the citizens or subjects of the most favored nation, and, reciprocally, Chinese subjects visiting or residing in the United States shall enjoy the same privileges, immunities, and exemptions in respect to travel or residence as may there be enjoyed by the citizens or subjects of the most favored nation. But nothing herein contained shall be held to confer naturalization upon citizens of the United States in China, nor upon the subjects of China in the United States.

An examination of these two articles in the light of the experience then influential in suggesting their "necessity" will show that the fifth article was framed in hostility to what seemed the principal mischief to be guarded against, to wit, the introduction of Chinese laborers by methods which should have the character of a forced and servile importation, and not of a voluntary emigration of freemen seeking our shores upon motives and in a manner consonant with the system of our institutions and approved by the experience of the nation. Unquestionably the adhesion of the Government of China to these liberal principles of freedom in emigration, with which we were so familiar and with which we were so well satisfied, was a great advance toward opening that Empire to our civilization and religion, and gave promise in the future of greater and greater practical results in the diffusion throughout that great population of our arts and industries, our manufactures, our material improvements, and the sentiments of government and religion which seem to us so important to the welfare of mankind. The first clause of this article secures this acceptance by China of the American doctrines of free migration to and fro among the peoples and races of the earth.

The second clause, however, in its reprobation of "any other than an entirely voluntary emigration" by both the high contracting parties, and in the reciprocal obligations whereby we secured the solemn and unqualified engagement on the part of the Government of China "to pass laws making it a penal offense for a citizen of the United States or Chinese subjects to take Chinese subjects either to the United States or to any other foreign country without their free and voluntary consent," constitutes the great force and value of this article. Its importance both in principle and in its practical service toward our protection against servile importation in the guise of immigration can not be overestimated. It commits the Chinese Government to active and efficient measures to suppress this iniquitous system, where those measures are most necessary and can be most effectual. It gives to this Government the footing of a treaty right to such measures and the means and opportunity of insisting upon their adoption and of complaint and resentment at their neglect. The fifth article, therefore, if it fall short of what the pressure of the later experience of our Pacific States may urge upon the attention of this Government as essential to the public welfare, seems to be in the right direction and to contain important advantages which once relinquished can not be easily recovered.

The second topic which interested the two Governments under the actual condition of things which prompted the Burlingame treaty was adequate protection, under the solemn and definite guaranties of a treaty, of the Chinese already in this country and those who should seek our shores. This was the object, and forms the subject of the sixth article, by whose reciprocal engagement the citizens and subjects of the two Governments, respectively, visiting or residing in the country of the other are secured the same privileges, immunities, or exemptions there enjoyed by the citizens or subjects of the most favored nations. The treaty of 1858, to which these articles are made supplemental, provides for a great amount of privilege and protection, both of person and property, to American citizens in China, but it is upon this sixth article that the main body of the treaty rights and securities of the Chinese already in this country depends. Its abrogation, were the rest of the treaty left in force, would leave them to such treatment as we should voluntarily accord them by our laws and customs. Any treaty obligation would be wanting to restrain our liberty of action toward them, or to measure or sustain the right of the Chinese Government to complaint or redress in their behalf.

The lapse of ten years since the negotiation of the Burlingame treaty has exhibited to the notice of the Chinese Government, as well as to our own people, the working of this experiment of immigration in great numbers of Chinese laborers to this country, and their maintenance here of all the traits of race, religion, manners, and customs, habitations, mode of life, segregation here, and the keeping up of the ties of their original home, which stamp them as strangers and sojourners, and not as incorporated elements of our national life and growth. This experience may naturally suggest the reconsideration of the subject as dealt with by the

Burlingame treaty, and may properly become the occasion of more direct and circumspect recognition, in renewed negotiations, of the difficulties surrounding this political and social problem. It may well be that, to the apprehension of the Chinese Government no less than our own, the simple provisions of the Burlingame treaty may need to be replaced by more careful methods, securing the Chinese and ourselves against a larger and more rapid infusion of this foreign race than our system of industry and society can take up and assimilate with ease and safety. This ancient Government, ruling a polite and sensitive people, distinguished by a high sense of national pride, may properly desire an adjustment of their relations with us which would in all things confirm and in no degree endanger the permanent peace and amity and the growing commerce and prosperity which it has been the object and the effect of our existing treaties to cherish and perpetuate.

I regard the very grave discontents of the people of the Pacific States with the present working of the Chinese immigration, and their still graver apprehensions therefrom in the future, as deserving the most serious attention of the people of the whole country and a solicitous interest on the part of Congress and the Executive. If this were not my own judgment, the passage of this bill by both Houses of Congress would impress upon me the seriousness of the situation, when a majority of the representatives of the people of the whole country had thought fit to justify so serious a measure of relief.

The authority of Congress to terminate a treaty with a foreign power by expressing the will of the nation no longer to adhere to it is as free from controversy under our Constitution as is the further proposition that the power of making new treaties or modifying existing treaties is not lodged by the Constitution in Congress, but in the President, by and with the advice and consent of the Senate, as shown by the concurrence of two-thirds of that body. A denunciation of a treaty by any government is confessedly justifiable only upon some reason both of the highest justice and of the highest necessity. The action of Congress in the matter of the French treaties in 1798, if it be regarded as an abrogation by this nation of a subsisting treaty, strongly illustrates the character and degree of justification which was then thought suitable to such a proceeding. The preamble of the act recites that the—

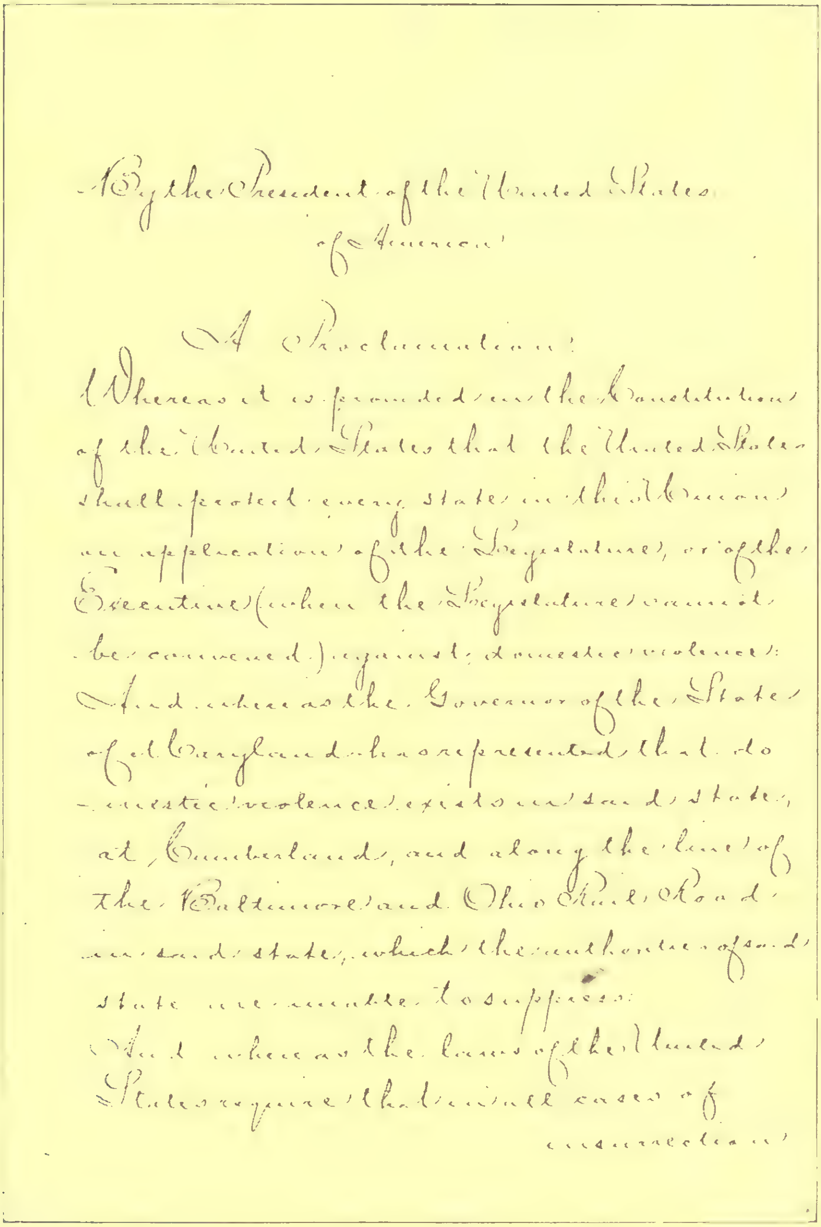
> Treaties concluded between the United States and France have been repeatedly violated on the part of the French Government, and the just claims of the United States for reparation of the injuries so committed have been refused, and their attempts to negotiate an amicable adjustment of all complaints between the two nations have been repelled with indignity.

And that—

> Under authority of the French Government there is yet pursued against the United States a system of predatory violence, infracting the said treaties and hostile to the rights of a free and independent nation.

The enactment, as a logical consequence of these recited facts, declares—

> That the United States are of right freed and exonerated from the stipulations of the treaties and of the consular convention heretofore concluded between the United



By the President of the United States
of America

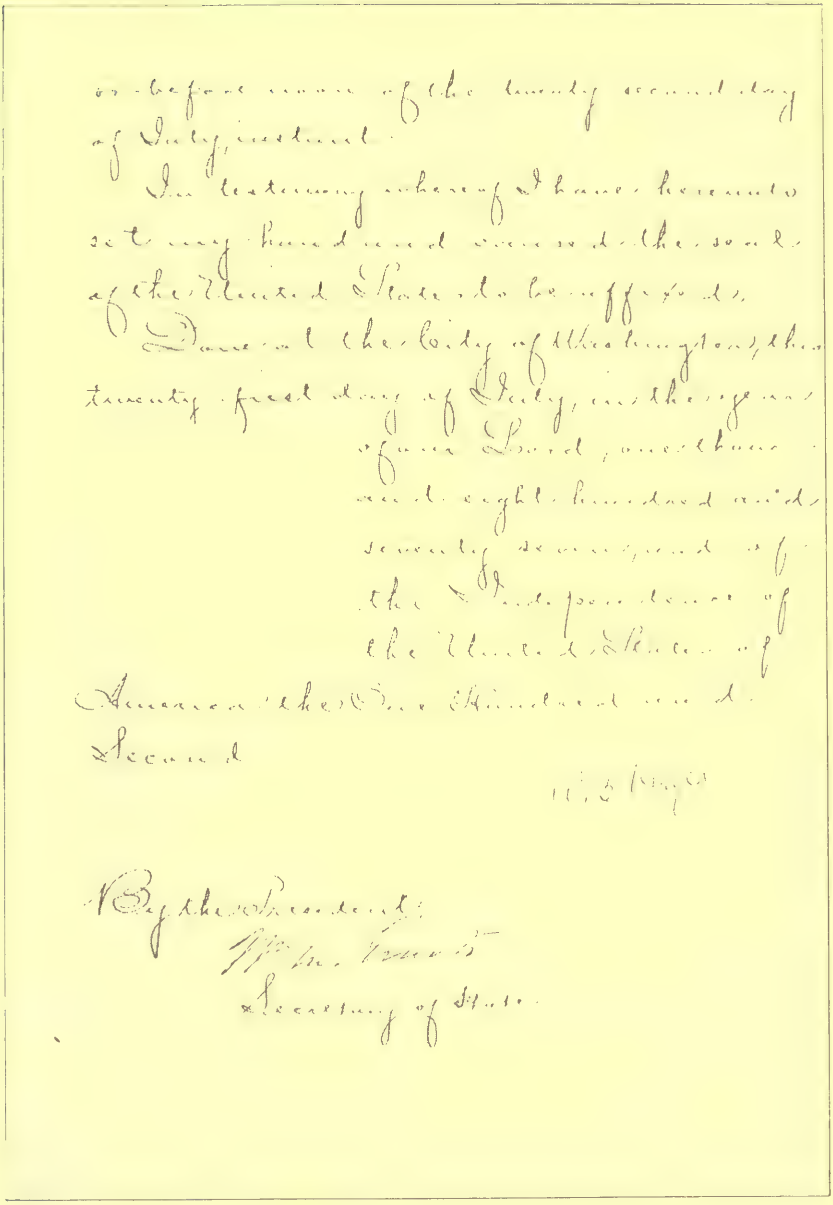
A Proclamation.

Whereas it is provided in the Constitution of the United States that the United States shall protect every state in this Union on application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic violence:

And whereas the Governor of the State of Maryland has represented that domestic violence exists in said state, at Cumberland, and along the line of the Baltimore and Ohio Rail Road in said state, which the authorities of said state are unable to suppress:

And whereas the laws of the United States require that in all cases of
insurrection

HAYES' PROCLAMATION TO SUPPRESS RAILROAD STRIKE IN MARYLAND.



on or before noon of the twenty second day of July instant.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington, the twenty first day of July, in the year of our Lord, one thousand eight hundred and seventy seven, and of the Independence of the United States of America the One Hundred and Second.

R. B. Hayes

By the President:
Wm. M. Evarts
Secretary of State.

SIGNATURES OF HAYES AND SECRETARY EVARTS TO AN EXECUTIVE DOCUMENT.

States and France, and that the same shall not henceforth be regarded as legally obligatory on the Government or citizens of the United States.

The history of the Government shows no other instance of an abrogation of a treaty by Congress.

Instances have sometimes occurred where the ordinary legislation of Congress has, by its conflict with some treaty obligation of the Government toward a foreign power, taken effect as an *infraction* of the treaty, and been judicially declared to be operative to that result; but neither such legislation nor such judicial sanction of the same has been regarded as an *abrogation*, even for the moment, of the treaty. On the contrary, the treaty in such case still subsists between the governments, and the casual infraction is repaired by appropriate satisfaction in maintenance of the treaty.

The bill before me does not enjoin upon the President the abrogation of the entire Burlingame treaty, much less of the principal treaty of which it is made the supplement. As the power of modifying an existing treaty, whether by adding or striking out provisions, is a part of the treaty-making power under the Constitution, its exercise is not competent for Congress, nor would the assent of China to this partial abrogation of the treaty make the action of Congress in thus procuring an amendment of a treaty a competent exercise of authority under the Constitution. The importance, however, of this special consideration seems superseded by the principle that a denunciation of a part of a treaty not made by the terms of the treaty itself separable from the rest is a denunciation of the whole treaty. As the other high contracting party has entered into no treaty obligations except such as include the part denounced, the denunciation by one party of the part necessarily liberates the other party from the whole treaty.

I am convinced that, whatever urgency might in any quarter or by any interest be supposed to require an instant suppression of further immigration from China, no reasons can require the immediate withdrawal of our treaty protection of the Chinese already in this country, and no circumstances can tolerate an exposure of our citizens in China, merchants or missionaries, to the consequences of so sudden an abrogation of their treaty protection. Fortunately, however, the actual recession in the flow of the emigration from China to the Pacific Coast, shown by trustworthy statistics, relieves us from any apprehension that the treatment of the subject in the proper course of diplomatic negotiations will introduce any new features of discontent or disturbance among the communities directly affected. Were such delay fraught with more inconveniences than have ever been suggested by the interests most earnest in promoting this legislation, I can not but regard the summary disturbance of our existing treaties with China as greatly more inconvenient to much wider and more permanent interests of the country.

I have no occasion to insist upon the more general considerations of interest and duty which sacredly guard the faith of the nation, in whatever form of obligation it may have been given. These sentiments animate the deliberations of Congress and pervade the minds of our whole people. Our history gives little occasion for any reproach in this regard; and in asking the renewed attention of Congress to this bill I am persuaded that their action will maintain the public duty and the public honor.

R. B. HAYES.

PROCLAMATION.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION.

Whereas the final adjournment of the Forty-fifth Congress without making the usual and necessary appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1880, and without making the usual and necessary appropriations for the support of the Army for the same fiscal year, presents an extraordinary occasion requiring the President to exercise the power vested in him by the Constitution to convene the Houses of Congress in anticipation of the day fixed by law for their next meeting:

Now, therefore, I, Rutherford B. Hayes, President of the United States, do, by virtue of the power to this end in me vested by the Constitution, convene both Houses of Congress to assemble at their respective chambers at 12 o'clock noon on Tuesday, the 18th day of March instant, then and there to consider and determine such measures as in their wisdom their duty and the welfare of the people may seem to demand.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 4th day of March, A. D. 1879, and of the Independence of the United States of America the one hundred and third.

R. B. HAYES.

By the President:

WM. M. EVARTS, *Secretary of State.*

SPECIAL SESSION MESSAGE.

WASHINGTON, *March 19, 1879.*

Fellow-Citizens of the Senate and House of Representatives:

The failure of the last Congress to make the requisite appropriations for legislative and judicial purposes, for the expenses of the several Executive Departments of the Government, and for the support of the Army has made it necessary to call a special session of the Forty-sixth Congress.

The estimates of the appropriations needed which were sent to Congress by the Secretary of the Treasury at the opening of the last session are renewed, and are herewith transmitted to both the Senate and the House of Representatives.

Regretting the existence of the emergency which requires a special session of Congress at a time when it is the general judgment of the country that the public welfare will be best promoted by permanency in our legislation and by peace and rest, I commend these few necessary measures to your considerate attention.

RUTHERFORD B. HAYES.

SPECIAL MESSAGES.

WASHINGTON, *March 20, 1879.*

To the Senate of the United States:

In compliance with the resolution of the Senate of the 3d instant, calling for the reports of Gustavus Goward on the Samoan Islands, I transmit herewith a report from the Secretary of State, with the accompanying papers.

R. B. HAYES.

EXECUTIVE MANSION, *April 18, 1879.*

To the Senate of the United States:

In compliance with a resolution of the Senate of the 15th instant, I transmit herewith a copy of the report of the commission appointed by the President on the 15th of March, 1872, relating to the different interoceanic canal surveys and the practicability of the construction of a ship canal across this continent.

R. B. HAYES.

EXECUTIVE MANSION, *May 15, 1879.*

To the Senate of the United States:

In response to a resolution of the Senate of the 7th instant, requesting information in reference to an alleged occupation of a portion of the Indian Territory by white settlers, etc., I transmit herewith a copy of my proclamation dated April 26, 1879;* also copies of the correspondence and papers on file and of record in the Department of the Interior and the War Department touching the subject of the resolution.

R. B. HAYES.

---

*See pp. 4499-4500.

EXECUTIVE MANSION, *May 26, 1879.*

To the Senate of the United States:

In response to a resolution of the Senate of the 14th instant, I transmit herewith a communication* from the Secretary of the Interior and accompanying papers.

R. B. HAYES.

EXECUTIVE MANSION, *June 5, 1879.*

To the Senate and House of Representatives:

I transmit herewith the "proceedings and report" of the board of officers convened by Special Orders, No. 78, Headquarters of the Army, Washington, April 12, 1878, in the case of Fitz John Porter. The report of the board was made in March last, but the official record of the proceedings did not reach me until the 3d instant.

I have given to this report such examination as satisfies me that I ought to lay the proceedings and conclusions of the board before Congress. As I am without power, in the absence of legislation, to act upon the recommendations of the report further than by submitting the same to Congress, the proceedings and conclusions of the board are transmitted for the information of Congress and such action as in your wisdom shall seem expedient and just.

R. B. HAYES.

WASHINGTON, *June 13, 1879.*

To the House of Representatives:

I transmit herewith, in compliance with the resolution of the House of Representatives of the 29th ultimo, a report of the Secretary of State relative to the steps taken by this Government to promote the establishment of an interoceanic canal across or near the Isthmus of Darien.

R. B. HAYES.

WASHINGTON, *June 23, 1879.*

To the Senate of the United States:

I transmit herewith to the Senate a report from the Secretary of State, in response to a resolution of that body of the 20th instant, calling for the proceedings and accompanying papers of the International Silver Conference held in Paris in 1878.

R. B. HAYES.

EXECUTIVE MANSION, *June 30, 1879.*

To the Senate and House of Representatives:

The bill making provision for the payment of the fees of United States marshals and their general deputies, which I have this day returned to the House of Representatives, in which it originated, with my objections,* having upon its reconsideration by that body failed to become a law, I respectfully call your attention to the immediate necessity of making some adequate provision for the due and efficient execution by the marshals and deputy marshals of the United States of the constant and important duties enjoined upon them by the existing laws. All appropriations to provide for the performance of these indispensable duties expire to-day. Under the laws prohibiting public officers from involving the Government in contract liabilities beyond actual appropriations, it is apparent that the means at the disposal of the executive department for executing the laws through the regular ministerial officers will after to-day be left inadequate. The suspension of these necessary functions in the orderly administration of the first duties of government for the shortest period is inconsistent with the public interests, and at any moment may prove inconsistent with the public safety.

---

* Relating to lands in the Indian Territory acquired by the treaties of 1866.

It is impossible for me to look without grave concern upon a state of things which will leave the public service thus unprovided for and the public interests thus unprotected, and I earnestly urge upon your attention the necessity of making immediate appropriations for the maintenance of the service of the marshals and deputy marshals for the fiscal year which commences to-morrow.

RUTHERFORD B. HAYES.

WASHINGTON, *July 1, 1879.*

To the Senate of the United States:

In answer to a resolution of the Senate of the 28th June, 1879, requesting a copy of any correspondence which may have passed between the Department of State and the Republic of Mexico in regard to the proposed Austin-Topolovampo Railroad survey across the northern States of that country, I transmit herewith the report of the Secretary of State upon the subject.

R. B. HAYES.

VETO MESSAGES.

EXECUTIVE MANSION, *April 29, 1879.*

To the House of Representatives:

I have maturely considered the important questions presented by the bill entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1880, and for other purposes," and I now return it to the House of Representatives, in which it originated, with my objections to its approval.

The bill provides in the usual form for the appropriations required for the support of the Army during the next fiscal year. If it contained no other provisions, it would receive my prompt approval. It includes, however, further legislation, which, attached, as it is, to appropriations which are requisite for the efficient performance of some of the most necessary duties of the Government, involves questions of the gravest character. The sixth section of the bill is amendatory of the statute now in force in regard to the authority of persons in the civil, military, and naval service of the United States "at the place where any general or special election is held in any State." This statute was adopted February 25, 1865, after a protracted debate in the Senate, and almost without opposition in the House of Representatives, by the concurrent votes of both of the leading political parties of the country, and became a law by the approval of President Lincoln. It was reenacted in 1874 in the Revised Statutes of the United States, sections 2002 and 5528, which are as follows:

---

* See pp. 4497-4499.

> SEC. 2002. No military or naval officer, or other person engaged in the civil, military, or naval service of the United States, shall order, bring, keep, or have under his authority or control any troops or armed men at the place where any general or special election is held in any State, unless it be necessary to repel the armed enemies of the United States or to keep the peace at the polls.
>
> SEC. 5528. Every officer of the Army or Navy, or other person in the civil, military, or naval service of the United States, who orders, brings, keeps, or has under his authority or control any troops or armed men at any place where a general or special election is held in any State, unless such force be necessary to repel armed enemies of the United States or to keep the peace at the polls, shall be fined not more than $5,000 and suffer imprisonment at hard labor not less than three months nor more than five years.

The amendment proposed to this statute in the bill before me omits from both of the foregoing sections the words "or to keep the peace at the polls." The effect of the adoption of this amendment may be considered—

First. Upon the right of the United States Government to use military force to keep the peace at the elections for Members of Congress; and

Second. Upon the right of the Government, by civil authority, to protect these elections from violence and fraud.

In addition to the sections of the statute above quoted, the following provisions of law relating to the use of the military power at the elections are now in force:

> SEC. 2003. No officer of the Army or Navy of the United States shall prescribe or fix, or attempt to prescribe or fix, by proclamation, order, or otherwise, the qualifications of voters in any State, or in any manner interfere with the freedom of any election in any State, or with the exercise of the free right of suffrage in any State.
>
> SEC. 5529. Every officer or other person in the military or naval service who, by force, threat, intimidation, order, advice, or otherwise, prevents, or attempts to prevent, any qualified voter of any State from freely exercising the right of suffrage at any general or special election in such State shall be fined not more than $5,000 and imprisoned at hard labor not more than five years.
>
> SEC. 5530. Every officer of the Army or Navy who prescribes or fixes, or attempts to prescribe or fix, whether by proclamation, order, or otherwise, the qualifications of

voters at any election in any State shall be punished as provided in the preceding section.

SEC. 5531. Every officer or other person in the military or naval service who, by force, threat, intimidation, order, or otherwise, compels, or attempts to compel, any officer holding an election in any State to receive a vote from a person not legally qualified to vote, or who imposes, or attempts to impose, any regulations for conducting any general or special election in a State different from those prescribed by law, or who interferes in any manner with any officer of an election in the discharge of his duty, shall be punished as provided in section 5529.

SEC. 5532. Every person convicted of any of the offenses specified in the five preceding sections shall, in addition to the punishments therein severally prescribed, be disqualified from holding any office of honor, profit, or trust under the United States; but nothing in those sections shall be construed to prevent any officer, soldier, sailor, or marine from exercising the right of suffrage in any election district to which he may belong, if otherwise qualified according to the laws of the State in which he offers to vote.

The foregoing enactments would seem to be sufficient to prevent military interference with the elections. But the last Congress, to remove all apprehension of such interference, added to this body of law section 15 of an act entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1879, and for other purposes," approved June 18, 1878, which is as follows:

SEC. 15. From and after the passage of this act it shall not be lawful to employ any part of the Army of the United States, as a *posse comitatus* or otherwise, for the purpose of executing the laws, except in such cases and under such circumstances as such employment of said force may be expressly authorized by the Constitution or by act of Congress; and no money appropriated by this act shall be used to pay any of the expenses incurred in the employment of any troops in violation of this section; and any person willfully violating the provisions of this section shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by fine not exceeding $10,000 or imprisonment not exceeding two years, or by both such fine and imprisonment.

This act passed the Senate, after full consideration, without a single vote recorded against it on its final passage, and, by a majority of more than two-thirds, it was concurred in by the House of Representatives.

The purpose of the section quoted was stated in the Senate by one of its supporters as follows:

Therefore I hope, without getting into any controversy about the past, but acting wisely for the future, that we shall take away the idea that the Army can be used by a general or special deputy marshal, or any marshal, merely for election purposes, as a posse, ordering them about the polls or ordering them anywhere else, when there is an election going on, to prevent disorders or to suppress disturbances that should be suppressed by the peace officers of the State; or, if they must bring others to their aid they should summon the unorganized citizens, and not summon the officers and men of the Army as a *posse comitatus* to quell disorders, and thus get up a feeling which will be disastrous to peace among the people of the country.

In the House of Representatives the object of the act of 1878 was stated by the gentleman who had it in charge in similar terms. He said:

But these are all minor points and insignificant questions compared with the great principle which was incorporated by the House in the bill in reference to the use

> of the Army in time of peace. The Senate had already conceded what they called and what we might accept as the principle, but they had stricken out the penalty, and had stricken out the word "*expressly*," so that the Army might be used in all cases where *implied* authority might be inferred. The House committee planted themselves firmly upon the doctrine that rather than yield this fundamental principle, for which for three years this House had struggled, they would allow the bill to fail, notwithstanding the reforms which we had secured, regarding these reforms as of but little consequence alongside the great principle that the Army of the United States, in time of peace, should be under the control of Congress and obedient to its laws. After a long and protracted negotiation, the Senate committee have conceded that principle in all its length and breadth, including the penalty, which the Senate had stricken out. We bring you back, therefore, a report, with the alteration of a single word, which the lawyers assure me is proper to be made, restoring to this bill the principle for which we have contended so long, and which is so vital to secure the rights and liberties of the people.
>
> * * * * * * *
>
> Thus have we this day secured to the people of this country the same great protection against a standing army which cost a struggle of two hundred years for the Commons of England to secure for the British people.

From this brief review of the subject it sufficiently appears that under existing laws there can be no military interference with the elections. No case of such interference has, in fact, occurred since the passage of the act last referred to. No soldier of the United States has appeared under orders at any place of election in any State. No complaint even of the presence of United States troops has been made in any quarter. It may therefore be confidently stated that there is no necessity for the enactment of section 6 of the bill before me to prevent military interference with the elections. The laws already in force are all that is required for that end.

But that part of section 6 of this bill which is significant and vitally important is the clause which, if adopted, will deprive the civil authorities of the United States of all power to keep the peace at the Congressional elections. The Congressional elections in every district, in a very important sense, are justly a matter of political interest and concern throughout the whole country. Each State, every political party, is entitled to the share of power which is conferred by the legal and constitutional suffrage. It is the right of every citizen possessing the qualifications prescribed by law to cast one unintimidated ballot and to have his ballot honestly counted. So long as the exercise of this power and the enjoyment of this right are common and equal, practically as well as formally, submission to the results of the suffrage will be accorded loyally and cheerfully, and all the departments of Government will feel the true vigor of the popular will thus expressed.

Two provisions of the Constitution authorize legislation by Congress for the regulation of the Congressional elections.

Section 4 of Article I of the Constitution declares—

> The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress

may at any time, by law, make or alter such regulations, except as to the places of choosing Senators.

The fifteenth amendment of the Constitution is as follows:

SEC. 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.

The Supreme Court has held that this amendment invests the citizens of the United States with a new constitutional right which is within the protecting power of Congress. That right the court declares to be exemption from discrimination in the exercise of the elective franchise on account of race, color, or previous condition of servitude. The power of Congress to protect this right by appropriate legislation is expressly affirmed by the court.

National legislation to provide safeguards for free and honest elections is necessary, as experience has shown, not only to secure the right to vote to the enfranchised race at the South, but also to prevent fraudulent voting in the large cities of the North. Congress has therefore exercised the power conferred by the Constitution, and has enacted certain laws to prevent discriminations on account of race, color, or previous condition of servitude, and to punish fraud, violence, and intimidation at Federal elections. Attention is called to the following sections of the Revised Statutes of the United States, viz:

Section 2004, which guarantees to all citizens the right to vote, without distinction on account of race, color, or previous condition of servitude.

Sections 2005 and 2006, which guarantee to all citizens equal opportunity, without discrimination, to perform all the acts required by law as a prerequisite or qualification for voting.

Section 2022, which authorizes the United States marshal and his deputies to keep the peace and preserve order at the Federal elections.

Section 2024, which expressly authorizes the United States marshal and his deputies to summon a *posse comitatus* whenever they or any of them are forcibly resisted in the execution of their duties under the law or are prevented from executing such duties by violence.

Section 5522, which provides for the punishment of the crime of interfering with the supervisors of elections and deputy marshals in the discharge of their duties at the elections of Representatives in Congress.

These are some of the laws on this subject which it is the duty of the executive department of the Government to enforce. The intent and effect of the sixth section of this bill is to prohibit all the civil officers of the United States, under penalty of fine and imprisonment, from employing any adequate civil force for this purpose at the place where their enforcement is most necessary, namely, at the places where the Congressional elections are held. Among the most valuable enactments to which I have referred are those which protect the supervisors of Federal elections in the discharge of their duties at the polls. If the proposed legislation should become the law, there will be no power vested in any officer of the Government to protect from violence the officers of the United States engaged in the discharge of their duties. Their rights and duties under the law will remain, but the National Government will be powerless to enforce its own statutes. The States may employ both military and civil power to keep the peace and to enforce the laws at State elections. It is now proposed to deny to the United States even the necessary civil authority to protect the national elections. No sufficient reason has been given for this discrimination in favor of the State and against the national authority. If well-founded objections exist against the present national election laws, all good citizens should unite in their amendment. The laws providing the safeguards of the elections should be impartial, just, and efficient. They should, if possible, be so nonpartisan and fair in their operation that the minority—the party out of power—will have no just grounds to complain. The present laws have in practice unquestionably conduced to the prevention of fraud and violence at the elections. In several of the States members of different political parties have applied for the safeguards which they furnish. It is the right and duty of the National Government to enact and enforce laws which will secure free and fair Congressional elections. The laws now in force should not be repealed except in connection with the enactment of measures which will better accomplish that important end. Believing that section 6 of the bill before me will weaken, if it does not altogether take away, the power of the National Government to protect the Federal elections by the civil authorities, I am forced to the conclusion that it ought not to receive my approval.

This section is, however, not presented to me as a separate and independent measure, but is, as has been stated, attached to the bill making the usual annual appropriations for the support of the Army. It makes a vital change in the election laws of the country, which is in no way connected with the use of the Army. It prohibits, under heavy penalties, any person engaged in the civil service of the United States from having any force at the place of any election, prepared to preserve order, to make arrests, to keep the peace, or in any manner to enforce the laws. This is altogether foreign to the purpose of an Army appropriation bill. The practice of tacking to appropriation bills measures not pertinent to such bills did not prevail until more than forty years after the adoption of the Constitution. It has become a common practice. All parties when in power have adopted it. Many abuses and great waste of public money have in this way crept into appropriation bills. The public opinion of the country is against it. The States which have recently adopted constitutions have generally provided a remedy for the evil by enacting that no law shall contain more than one subject, which shall be plainly expressed in its title. The constitutions of more than half of the States contain substantially this provision. The public welfare will be promoted in many ways by a return to the early practice of the Government and to the true principle of legislation, which requires that every measure shall stand or fall according to its own merits. If it were understood that to attach to an appropriation bill a measure irrelevant to the general object of the bill would imperil and probably prevent its final passage and approval, a valuable reform in the parliamentary practice of Congress would be accomplished. The best justification that has been offered for attaching irrelevant riders to appropriation bills is that it is done for convenience' sake, to facilitate the passage of measures which are deemed expedient by all the branches of Government which participate in legislation. It can not be claimed that there is any such reason for attaching this amendment of the election laws to the Army appropriation bill. The history of the measure contradicts this assumption. A majority of the House of Representatives in the last Congress was in favor of section 6 of this bill. It was known that a majority of the Senate was opposed to it, and that as a separate measure it could not be adopted. It was attached to the Army appropriation bill to compel the Senate to assent to it. It was plainly announced to the Senate that the Army appropriation bill would not be allowed to pass unless the proposed amendments of the election laws were adopted with it. The Senate refused to assent to the bill on account of this irrelevant section. Congress thereupon adjourned without passing an appropriation bill for the Army, and the present extra session of the Forty-sixth Congress became necessary to furnish the means to carry on the Government.

The ground upon which the action of the House of Representatives is defended has been distinctly stated by many of its advocates. A week before the close of the last session of Congress the doctrine in question was stated by one of its ablest defenders as follows:

> It is our duty to repeal these laws. It is not worth while to attempt the repeal except upon an appropriation bill. The Republican Senate would not agree to nor the Republican President sign a bill for such repeal. Whatever objection to legislation upon appropriation bills may be made in ordinary cases does not apply where free elections and the liberty of the citizens are concerned. * * * We have the power to vote money; let us annex conditions to it, and insist upon the redress of grievances.

By another distinguished member of the House it was said:

> The right of the Representatives of the people to withhold supplies is as old as English liberty. History records numerous instances where the Commons, feeling that the people were oppressed by laws that the Lords would not consent to repeal by the ordinary methods of legislation, obtained redress at last by refusing appropriations unless accompanied by relief measures.

That a question of the gravest magnitude, and new in this country, was raised by this course of proceeding, was fully recognized also by its defenders in the Senate. It was said by a distinguished Senator:

> Perhaps no greater question, in the form we are brought to consider it, was ever considered by the American Congress in time of peace; for it involves not merely

the merits or demerits of the laws which the House bill proposes to repeal, but involves the rights, the privileges, the powers, the duties of the two branches of Congress and of the President of the United States. It is a vast question; it is a question whose importance can scarcely be estimated; it is a question that never yet has been brought so sharply before the American Congress and the American people as it may be now. It is a question which sooner or later must be decided, and the decision must determine what are the powers of the House of Representatives under the Constitution, and what is the duty of that House in the view of the framers of that Constitution, according to its letter and its spirit.

Mr. President, I should approach this question, if I were in the best possible condition to speak and to argue it, with very grave diffidence, and certainly with the utmost anxiety; for no one can think of it as long and as carefully as I have thought of it without seeing that we are at the beginning, perhaps, of a struggle that may last as long in this country as a similar struggle lasted in what we are accustomed to call the mother land. There the struggle lasted for two centuries before it was ultimately decided. It is not likely to last so long here, but it may last until every man in this chamber is in his grave. It is the question whether or no the House of Representatives has a right to say, "We will grant supplies only upon condition that grievances are redressed. We are the representatives of the taxpayers of the Republic. We, the House of Representatives, alone have the right to originate money bills. We, the House of Representatives, have alone the right to originate bills which grant the money of the people. The Senate represents States; we represent the taxpayers of the Republic. We, therefore, by the very terms of the Constitution, are charged with the duty of originating the bills which grant the money of the people. We claim the right, which the House of Commons in England established after two centuries of contest, to say that we will not grant the money of the people unless there is a redress of grievances."

Upon the assembling of this Congress, in pursuance of a call for an extra session, which was made necessary by the failure of the Forty-fifth Congress to make the needful appropriations for the support of the Government, the question was presented whether the attempt made in the last Congress to ingraft by construction a new principle upon the Constitution should be persisted in or not. This Congress has ample opportunity and time to pass the appropriation bills, and also to enact any political measures which may be determined upon in separate bills by the usual and orderly methods of proceeding. But the majority of both Houses have deemed it wise to adhere to the principles asserted and maintained in the last Congress by the majority of the House of Representatives. That principle is that the House of Representatives has the sole right to originate bills for raising revenue, and therefore has the right to withhold appropriations upon which the existence of the Government may depend unless the Senate and the President shall give their assent to any legislation which the House may see fit to attach to appropriation bills. To establish this principle is to make a radical, dangerous, and unconstitutional change in the character of our institutions. The various departments of the Government and the Army and the Navy are established by the Constitution or by laws passed in pursuance thereof. Their duties are clearly defined and their support is carefully provided for by law. The money required for this purpose has been collected from the people and is now in the Treasury, ready to be paid out as soon as the appropriation bills are passed. Whether appropriations are made or not, the collection of the taxes will go on. The public money will accumulate in the Treasury. It was not the intention of the framers of the Constitution that any single branch of the Government should have the power to dictate conditions upon which this treasure should be applied to the purpose for which it was collected. Any such intention, if it had been entertained, would have been plainly expressed in the Constitution.

That a majority of the Senate now concurs in the claim of the House adds to the gravity of the situation, but does not alter the question at issue. The new doctrine, if maintained, will result in a consolidation of unchecked and despotic power in the House of Representatives. A bare majority of the House will become the Government. The Executive will no longer be what the framers of the Constitution intended—an equal and independent branch of the Government. It is clearly the constitutional duty of the President to exercise his discretion and judgment upon all bills presented to him without constraint or duress from any other branch of the Government. To say that a majority of either or both of the Houses of Congress may insist upon the approval of a bill under the penalty of stopping all of the operations of the Government for want of the necessary supplies is to deny to the Executive that share of the legislative power which is plainly conferred by the second section of the seventh article of the Constitution. It strikes from the Constitution the qualified negative of the President. It is said that this should be done because it is the peculiar function of the House of Representatives to represent the will of the people. But no single branch or department of the Government has exclusive authority to speak for the American people. The most authentic and solemn expression of their will is contained in the Constitution of the United States. By that Constitution they have ordained and established a Government whose powers are distributed among coordinate branches, which, as far as possible consistently with a harmonious cooperation, are absolutely independent of each other. The people of this country are unwilling to see the supremacy of the Constitution replaced by the omnipotence of any one department of the Government.

The enactment of this bill into a law will establish a precedent which will tend to destroy the equal independence of the several branches of the Government. Its principle places not merely the Senate and the Executive, but the judiciary also, under the coercive dictation of the House. The House alone will be the judge of what constitutes a grievance, and also of the means and measure of redress. An act of Congress to protect elections is now the grievance complained of; but the House may on the same principle determine that any other act of Congress, a treaty made by the President with the advice and consent of the Senate, a nomination or appointment to office, or that a decision or opinion of the Supreme Court is a grievance, and that the measure of redress is to withhold the appropriations required for the support of the offending branch of the Government.

Believing that this bill is a dangerous violation of the spirit and meaning of the Constitution, I am compelled to return it to the House in which it originated without my approval. The qualified negative with which the Constitution invests the President is a trust that involves a duty which he can not decline to perform. With a firm and conscientious purpose to do what I can to preserve unimpaired the constitutional powers and equal independence, not merely of the Executive, but of every branch of the Government, which will be imperiled by the adoption of the principle of this bill, I desire earnestly to urge upon the House of Representatives a return to the wise and wholesome usage of the earlier days of the Republic, which excluded from appropriation bills all irrelevant legislation. By this course you will inaugurate an important reform in the method of Congressional legislation; your action will be in harmony with the fundamental principles of the Constitution and the patriotic sentiment of nationality which is their firm support, and you will restore to the country that feeling of confidence and security and the repose which are so essential to the prosperity of all of our fellow-citizens.

RUTHERFORD B. HAYES.

To the House of Representatives:

After a careful consideration of the bill entitled "An act to prohibit military interference at elections," I return it to the House of Representatives, in which it originated, with the following objections to its approval:

In the communication sent to the House of Representatives on the 29th of last month, returning to the House without my approval the bill entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1880, and for other purposes," I endeavored to show, by quotations from the statutes of the United States now in force and by a brief statement of facts in regard to recent elections in the several States, that no additional legislation was necessary to prevent interference with the elections by the military or naval forces of the United States. The fact was presented in that communication that at the time of the passage of the act of June 18, 1878, in relation to the employment of the Army as a *posse comitatus* or otherwise, it was maintained by its friends that it would establish a vital and fundamental principle which would secure to the people protection against a standing army. The fact was also referred to that since the passage of this act Congressional, State, and municipal elections have been held throughout the Union, and that in no instance has complaint been made of the presence of United States soldiers at the polls.

Holding, as I do, the opinion that any military interference whatever at the polls is contrary to the spirit of our institutions and would tend to destroy the freedom of elections, and sincerely desiring to concur with Congress in all of its measures, it is with very great regret that I am forced to the conclusion that the bill before me is not only unnecessary to prevent such interference, but is a dangerous departure from long-settled and important constitutional principles.

The true rule as to the employment of military force at the elections is not doubtful. No intimidation or coercion should be allowed to control or influence citizens in the exercise of their right to vote, whether it appears in the shape of combinations of evil-disposed persons, or of armed bodies of the militia of a State, or of the military force of the United States.

The elections should be free from all forcible interference, and, as far as practicable, from all apprehensions of such interference. No soldiers, either of the Union or of the State militia, should be present at the polls to take the place or to perform the duties of the ordinary civil police force. There has been and will be no violation of this rule under orders from me during this Administration; but there should be no denial of the right of the National Government to employ its military force on any day and at any place in case such employment is necessary to enforce the Constitution and laws of the United States.

The bill before me is as follows:

> *Be it enacted, etc.*, That it shall not be lawful to bring to or employ at any place where a general or special election is being held in a State any part of the Army or Navy of the United States, unless such force be necessary to repel the armed enemies of the United States or to enforce section 4, Article IV, of the Constitution of the United States and the laws made in pursuance thereof, on application of the legislature or executive of the State where such force is to be used; and so much of all laws as is inconsistent herewith is hereby repealed.

It will be observed that the bill exempts from the general prohibition against the employment of military force at the polls two specified cases. These exceptions recognize and concede the soundness of the principle that military force may properly and constitutionally be used at the place of elections when such use is necessary to enforce the Constitution and the laws; but the excepted cases leave the prohibition so extensive and far-reaching that its adoption will seriously impair the efficiency of the executive department of the Government.

The first act expressly authorizing the use of military power to execute the laws was passed almost as early as the organization of the Government under the Constitution, and was approved by President Washington May 2, 1792. It is as follows:

> SEC. 2. *And be it further enacted*, That whenever the laws of the United States shall be opposed or the execution thereof obstructed in any State by combinations too powerful to be suppressed by the ordinary course of judicial proceedings or by the powers vested in the marshals by this act, the same being notified to the President of the United States by an associate justice or the district judge, it shall be

lawful for the President of the United States to call forth the militia of such State to suppress such combinations and to cause the laws to be duly executed. And if the militia of a State where such combination may happen shall refuse or be insufficient to suppress the same, it shall be lawful for the President, if the Legislature of the United States be not in session, to call forth and employ such numbers of the militia of any other State or States most convenient thereto as may be necessary; and the use of militia so to be called forth may be continued, if necessary, until the expiration of thirty days after the commencement of the ensuing session.

In 1795 this provision was substantially reenacted in a law which repealed the act of 1792. In 1807 the following act became the law by the approval of President Jefferson:

That in all cases of insurrection or obstruction to the laws, either of the United States or of any individual State or Territory, where it is lawful for the President of the United States to call forth the militia for the purpose of suppressing such insurrection or of causing the laws to be duly executed, it shall be lawful for him to employ for the same purposes such part of the land or naval force of the United States as shall be judged necessary, having first observed all the prerequisites of the law in that respect.

By this act it will be seen that the scope of the law of 1795 was extended so as to authorize the National Government to use not only the militia, but the Army and Navy of the United States, in "causing the laws to be duly executed."

The important provision of the acts of 1792, 1795, and 1807, modified in its terms from time to time to adapt it to the existing emergency, remained in force until, by an act approved by President Lincoln July 29, 1861, it was reenacted substantially in the same language in which it is now found in the Revised Statutes, viz:

SEC. 5298. Whenever, by reason of unlawful obstructions, combinations, or assemblages of persons, or rebellion against the authority of the Government of the United States, it shall become impracticable, in the judgment of the President, to enforce by the ordinary course of judicial proceedings the laws of the United States within any State or Territory, it shall be lawful for the President to call forth the militia of any or all the States and to employ such parts of the land and naval forces of the United States as he may deem necessary to enforce the faithful execution of the laws of the United States or to suppress such rebellion, in whatever State or Territory thereof the laws of the United States may be forcibly opposed or the execution thereof forcibly obstructed.

This ancient and fundamental law has been in force from the foundation of the Government. It is now proposed to abrogate it on certain days and at certain places. In my judgment no fact has been produced which tends to show that it ought to be repealed or suspended for a single hour at any place in any of the States or Territories of the Union. All the teachings of experience in the course of our history are in favor of sustaining its efficiency unimpaired. On every occasion when the supremacy of the Constitution has been resisted and the perpetuity of our institutions imperiled the principle of this statute, enacted by the fathers, has enabled the Government of the Union to maintain its authority and to preserve the integrity of the nation.

At the most critical periods of our history my predecessors in the executive office have relied on this great principle. It was on this principle that President Washington suppressed the whisky rebellion in Pennsylvania in 1794.

In 1806, on the same principle, President Jefferson broke up the Burr conspiracy by issuing "orders for the employment of such force, either of the regulars or of the militia, and by such proceedings of the civil authorities, * * * as might enable them to suppress effectually the further progress of the enterprise." And it was under the same authority that President Jackson crushed nullification in South Carolina and that President Lincoln issued his call for troops to save the Union in 1861. On numerous other occasions of less significance, under probably every Administration, and certainly under the present, this power has been usefully exerted to enforce the laws, without objection by any party in the country, and almost without attracting public attention.

The great elementary constitutional principle which was the foundation of the original statute of 1792, and which has been its essence in the various forms it has assumed since its first adoption, is that the Government of the United States possesses under the Constitution, in full measure, the power of self-protection by its own agencies, altogether independent of State authority, and, if need be, against the hostility of State governments. It should remain embodied in our statutes unimpaired, as it has been from the very origin of the Government. It should be regarded as hardly less valuable or less sacred than a provision of the Constitution itself.

There are many other important statutes containing provisions that are liable to be suspended or annulled at the times and places of holding elections if the bill before me should become a law. I do not undertake to furnish a list of them. Many of them—perhaps the most of them—have been set forth in the debates on this measure. They relate to extradition, to crimes against the election laws, to quarantine regulations, to neutrality, to Indian reservations, to the civil rights of citizens, and to other subjects. In regard to them all it may be safely said that the meaning and effect of this bill is to take from the General Government an important part of its power to enforce the laws.

Another grave objection to the bill is its discrimination in favor of the State and against the national authority. The presence or employment of the Army or Navy of the United States is lawful under the terms of this bill at the place where an election is being held in a State to uphold the authority of a State government then and there in need of such military intervention, but unlawful to uphold the authority of the Government of the United States then and there in need of such military intervention. Under this bill the presence or employment of the Army or Navy of the United States would be lawful and might be necessary to maintain the conduct of a State election against the domestic violence that would overthrow it, but would be unlawful to maintain the conduct of a national election against the same local violence that would overthrow it. This discrimination has never been attempted in any previous legislation by Congress, and is no more compatible with sound principles of the Constitution or the necessary maxims and methods of our system of government on occasions of elections than at other times. In the early legislation of 1792 and of 1795, by which the militia of the States was the only military power resorted to for the execution of the constitutional powers in support of State or national authority, both functions of the Government were put upon the same footing. By the act of 1807 the employment of the Army and Navy was authorized for the performance of both constitutional duties in the same terms.

In all later statutes on the same subject-matter the same measure of authority to the Government has been accorded for the performance of both these duties. No precedent has been found in any previous legislation, and no sufficient reason has been given for the discrimination in favor of the State and against the national authority which this bill contains.

Under the sweeping terms of the bill the National Government is effectually shut out from the exercise of the right and from the discharge of the imperative duty to use its whole executive power whenever and wherever required for the enforcement of its laws at the places and times when and where its elections are held. The employment of its organized armed forces for any such purpose would be an offense against the law unless called for by, and therefore upon permission of, the authorities of the State in which the occasion arises. What is this but the substitution of the discretion of the State governments for the discretion of the Government of the United States as to the performance of its own duties? In my judgment this is an abandonment of its obligations by the National Government—a subordination of national authority and an intrusion of State supervision over national duties which amounts, in spirit and tendency, to State supremacy.

Though I believe that the existing statutes are abundantly adequate to completely prevent military interference with the elections in the sense in which the phrase is used in the title of this bill and is employed by the people of this country, I shall find no difficulty in concurring in any additional legislation limited to that object which does not interfere with the indispensable exercise of the powers of the Government under the Constitution and laws.

R. B. HAYES.

MAY 12, 1879.

EXECUTIVE MANSION, *May 29, 1879.*

To the House of Representatives:

After mature consideration of the bill entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes."

I herewith return it to the House of Representatives, in which it originated with the following objections to its approval:

The main purpose of the bill is to appropriate the money required to support during the next fiscal year the several civil departments of the Government. The amount appropriated exceeds in the aggregate $18,000,000.

This money is needed to keep in operation the essential functions of all the great departments of the Government—legislative, executive, and judicial. If the bill contained no other provisions, no objection to its approval would be made. It embraces, however, a number of clauses, relating to subjects of great general interest, which are wholly unconnected with the appropriations which it provides for. The objections to the practice of tacking general legislation to appropriation bills, especially when the object is to deprive a coordinate branch of the Government of its right to the free exercise of its own discretion and judgment touching such general legislation, were set forth in the special message in relation to House bill No. 1, which was returned to the House of Representatives on the 29th of last month. I regret that the objections which were then expressed to this method of legislation have not seemed to Congress of sufficient weight to dissuade from this renewed incorporation of general enactments in an appropriation bill, and that my constitutional duty in respect of the general legislation thus placed before me can not be discharged without seeming to delay, however briefly, the necessary appropriations by Congress for the support of the Government. Without repeating these objections, I respectfully refer to that message for a statement of my views on the principle maintained in debate by the advocates of this bill, viz, that "to withhold appropriations is a constitutional means for the redress" of what the majority of the House of Representatives may regard as "a grievance."

The bill contains the following clauses, viz:

> *And provided further*, That the following sections of the Revised Statutes of the United States, namely, sections 2016, 2018, and 2020, and all of the succeeding sections of said statutes down to and including section 2027, and also section 5522, be, and the same are hereby, repealed; * * * and that all the other sections of the Revised Statutes, and all laws and parts of laws authorizing the appointment of chief supervisors of elections, special deputy marshals of elections, or general deputy marshals having any duties to perform in respect to any election, and prescribing their duties and powers and allowing them compensation, be, and the same are hereby, repealed

It also contains clauses amending sections 2017, 2019, 2028, and 2031 of the Revised Statutes.

The sections of the Revised Statutes which the bill, if approved, would repeal or amend are part of an act approved May 30, 1870, and amended February 28, 1871, entitled "An act to enforce the rights of citizens of the United States to vote in the several States of this Union, and for other purposes." All of the provisions of the above-named acts which it is proposed in this bill to repeal or modify relate to the Congressional elections. The remaining portion of the law, which will continue in force after the enactment of this measure, is that which provides for the appointment, by a judge of the circuit court of the United States, of two supervisors of election in each election district at any Congressional election, on due application of citizens who desire, in the language of the law, "to have such election *guarded* and *scrutinized*." The duties of the supervisors will be to attend at the polls at all Congressional elections, and to remain after the polls are open until every vote cast has been counted; but they will "have no authority to make arrests or to perform other duties than to be in the immediate presence of the officers holding the election and to witness all their proceedings, including the counting of the votes and the making of a return thereof." The part of the election law which will be repealed by the approval of this bill includes those sections which give authority to the supervisors of elections "to personally scrutinize, count, and canvass each ballot," and all the sections which confer authority upon the United States marshals and deputy marshals in connection with the Congressional elections. The enactment of this bill will also repeal section 5522 of the criminal statutes of the United States, which was enacted for the protection of United States officers engaged in the discharge of their duties at the Congressional elections. This section protects supervisors and marshals in the performance of their duties by making the obstruction or the assaulting of these officers, or any interference with them, by bribery or solicitation or otherwise, crimes against the United States.

The true meaning and effect of the proposed legislation are plain. The supervisors, with the authority to observe and witness the proceedings at the Congressional elections, will be left, but there will be no power to protect them, or to prevent interference with their duties, or to punish any violation of the law from which their powers are derived. If this bill is approved, only the shadow of the authority of the United States at the national elections will remain; the substance will be gone. The supervision of the elections will be reduced to a mere inspection, without authority on the part of the supervisors to do any act whatever to make the election a fair one. All that will be left to the supervisors is the permission to have such oversight of the elections as political parties are in the habit of exercising without any authority of law, in order to prevent their opponents from obtaining unfair advantages. The object of the bill is to destroy any control whatever by the United States over the Congressional elections.

The passage of this bill has been urged upon the ground that the election of members of Congress is a matter which concerns the States alone; that these elections should be controlled exclusively by the States; that there are and can be no such elections as national elections, and that the existing law of the United States regulating the Congressional elections is without warrant in the Constitution.

It is evident, however, that the framers of the Constitution regarded the election of members of Congress in every State and in every district as in a very important sense justly a matter of political interest and concern to the whole country. The original provision of the Constitution on this subject is as follows (sec. 4, Art. I):

> The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time, by law, make or alter such regulations, except as to the places of choosing Senators.

A further provision has been since added, which is embraced in the fifteenth amendment. It is as follows:

> SEC. 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.
>
> SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.

Under the general provision of the Constitution (sec. 4, Art. I) Congress in 1866 passed a comprehensive law which prescribed full and detailed regulations for the election of Senators by the legislatures of the several States. This law has been in force almost thirteen years. In pursuance of it all the members of the present Senate of the United States hold their seats. Its constitutionality is not called in question. It is confidently believed that no sound argument can be made in support of the constitutionality of national regulation of Senatorial elections which will not show that the elections of members of the House of Representatives may also be constitutionally regulated by the national authority.

The bill before me itself recognizes the principle that the Congressional elections are not State elections, but national elections. It leaves in full force the existing statute under which supervisors are still to be appointed by national authority to "observe and witness" the Congressional elections whenever due application is made by citizens who desire said elections to be "guarded and scrutinized." If the power to supervise in any respect whatever the Congressional elections exists under section 4, Article I, of the Constitution, it is a power which, like every other power belonging to the Government of the United States, is paramount and supreme, and includes the right to employ the necessary means to carry it into effect.

The statutes of the United States which regulate the election of members of the House of Representatives, an essential part of which it is proposed to repeal by this bill, have been in force about eight years. Four Congressional elections have been held under them, two of which were at the Presidential elections of 1872 and 1876. Numerous prosecutions, trials, and convictions have been had in the courts of the United States in all parts of the Union for violations of these laws. In no reported case has their constitutionality been called in question by any judge of the courts of the United States. The validity of these laws is sustained by the uniform course of judicial action and opinion.

If it is urged that the United States election laws are not necessary, an ample reply is furnished by the history of their origin and of their results. They were especially prompted by the investigation and exposure of the frauds committed in the city and State of New York at the elections of 1868. Committees representing both of the leading political parties of the country have submitted reports to the House of Representatives on the extent of those frauds. A committee of the Fortieth Congress, after a full investigation, reached the conclusion that the number of fraudulent votes cast in the city of New York alone in 1868 was not less than 25,000. A committee of the Forty-fourth Congress in their report, submitted in 1877, adopted the opinion that for every 100 actual voters of the city of New York in 1868 108 votes were cast, when in fact the number of lawful votes cast could not have exceeded 88 per cent of the actual voters of the city. By this statement the number of fraudulent votes at that election in the city of New York alone was between thirty and forty thousand. These frauds completely reversed the result of the election in the State of New York, both as to the choice of governor and State officers and as to the choice of electors of President and Vice-President of the United States. They attracted the attention of the whole country. It was plain that if they could be continued and repeated with impunity free government was impossible. A distinguished Senator, in opposing the passage of the election laws, declared that he had "for a long time believed that our form of government was a comparative failure in the larger cities." To meet these evils and to prevent these crimes the United States laws regulating Congressional elections were enacted.

The framers of these laws have not been disappointed in their results. In the large cities, under their provisions, the elections have been comparatively peaceable, orderly, and honest. Even the opponents of these laws have borne testimony to their value and efficiency and to the necessity for their enactment. The committee of the Forty-fourth Congress, composed of members a majority of whom were opposed to these laws, in their report on the New York election of 1876, said:

> The committee would commend to other portions of the country and to other cities this remarkable system, developed through the agency of both local and Federal authorities acting in harmony for an honest purpose. In no portion of the world and in no era of time where there has been an expression of the popular will through the forms of law has there been a more complete and thorough illustration of republican institutions. Whatever may have been the previous habit or conduct of elections in those cities, or howsoever they may conduct themselves in the future, this election of 1876 will stand as a monument of what good faith, honest endeavor, legal forms, and just authority may do for the protection of the electoral franchise.

This bill recognizes the authority and duty of the United States to appoint supervisors to guard and scrutinize the Congressional elections, but it denies to the Government of the United States all power to make its supervision effectual. The great body of the people of all parties want free and fair elections. They do not think that a free election means freedom from the wholesome restraints of law or that the place of election should be a sanctuary for lawlessness and crime. On the day of an election peace and good order are more necessary than on any other day of the year. On that day the humblest and feeblest citizens, the aged and the infirm, should be, and should have reason to feel that they are, safe in the exercise of their most responsible duty and their most sacred right as members of society—their duty and their right to vote. The constitutional authority to regulate the Congressional elections which belongs to the Government of the United States, and which it is necessary to exert to secure the right to vote to every citizen possessing the requisite qualifications, ought to be enforced by appropriate legislation. So far from public opinion in any part of the country favoring any relaxation of the authority of the Government in the protection of elections from violence and corruption, I believe it demands greater vigor both in the enactment and in the execution of the laws framed for that purpose. Any oppression, any partisan partiality, which experience may have shown in the working of existing laws may well engage the careful attention both of Congress and of the Executive, in their respective spheres of duty, for the correction of these mischiefs. As no Congressional elections occur until after the regular session of Congress will have been held, there seems to be no public exigency that would preclude a seasonable consideration at that session of any administrative details that might improve the present methods designed for the protection of all citizens in the complete and equal exercise of the right and power of the suffrage at such elections. But with my views, both of the constitutionality and of the value of the existing laws, I can not approve any measure for their repeal except in connection with the enactment of other legislation which may reasonably be expected to afford wiser and more efficient safeguards for free and honest Congressional elections.

RUTHERFORD B. HAYES.

EXECUTIVE MANSION, *June 23, 1879.*

To the House of Representatives:

After careful examination of the bill entitled "An act making appropriations for certain judicial expenses," I return it herewith to the House of Representatives, in which it originated, with the following objections to its approval:

The general purpose of the bill is to provide for certain judicial expenses of the Government for the fiscal year ending June 30, 1880, for which the sum of $2,690,000 is appropriated. These appropriations are required to keep in operation the general functions of the judicial department of the Government, and if this part of the bill stood alone there would be no objection to its approval. It contains, however, other provisions, to which I desire respectfully to ask your attention.

At the present session of Congress a majority of both Houses, favoring a repeal of the Congressional election laws embraced in title 26 of the Revised Statutes, passed a measure for that purpose, as part of a bill entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes." Unable to concur with Congress in that measure, on the 29th of May last I returned the bill to the House of Representatives, in which it originated, without my approval, for that further consideration for which the Constitution provides. On reconsideration the bill was approved by less than two-thirds of the House, and failed to become a law. The election laws therefore remain valid enactments, and the supreme law of the land, binding not only upon all private citizens, but also alike and equally binding upon all who are charged with the duties and responsibilities of the legislative, the executive, and the judicial departments of the Government.

It is not sought by the bill before me to repeal the election laws. Its object is to defeat their enforcement. The last clause of the first section is as follows:

> And no part of the money hereby appropriated is appropriated to pay any salaries, compensation, fees, or expenses under or in virtue of title 26 of the Revised Statutes, or of any provision of said title.

Title 26 of the Revised Statutes, referred to in the foregoing clause, relates to the elective franchise, and contains the laws now in force regulating the Congressional elections.

The second section of the bill reaches much further. It is as follows:

> SEC. 2. That the sums appropriated in this act for the persons and public service embraced in its provisions are in full for such persons and public service for the fiscal year ending June 30, 1880; and no Department or officer of the Government shall during said fiscal year make any contract or incur any liability for the future payment of money under any of the provisions of title 26 of the Revised Statutes of the United States authorizing the appointment or payment of general or special deputy marshals for service in connection with elections or on election day until an appropriation sufficient to meet such contract or pay such liability shall have first been made by law.

This section of the bill is intended to make an extensive and essential change in the existing laws. The following are the provisions of the statutes on the same subject which are now in force:

> SEC. 3679. No Department of the Government shall expend in any one fiscal year any sum in excess of appropriations made by Congress for that fiscal year, or involve the Government in any contract for the future payment of money in excess of such appropriations.
>
> SEC. 3732. No contract or purchase on behalf of the United States shall be made unless the same is authorized by law or is under an appropriation adequate to its fulfillment, except in the War and Navy Departments, for clothing, subsistence, forage, fuel, quarters, or transportation, which, however, shall not exceed the necessities of the current year.

The object of these sections of the Revised Statutes is plain. It is, first, to prevent any money from being expended unless appropriations have been made therefor, and, second, to prevent the Government from being bound by any contract not previously authorized by law, except for certain necessary purposes in the War and Navy Departments.

Under the existing laws the failure of Congress to make the appropriations required for the execution of the provisions of the election laws would not prevent their enforcement. The right and duty to appoint the general and special deputy marshals which they provide for would still remain, and the executive department of the Government would also be empowered to incur the requisite liability for their compensation. But the second section of this bill contains a prohibition not found in any previous legislation. Its design is to render the election laws inoperative and a dead letter during the next fiscal year. It is sought to accomplish this by omitting to appropriate money for their enforcement and by expressly prohibiting any Department or officer of the Government from incurring any liability under any of the provisions of title 26 of the Revised Statutes authorizing the appointment or payment of general or special deputy marshals for service on election days until an appropriation sufficient to pay such liability shall have first been made.

The President is called upon to give his affirmative approval to positive enactments which in effect deprive him of the ordinary and necessary means of executing laws still left in the statute book and embraced within his constitutional duty to see that the laws are executed. If he approves the bill, and thus gives to such positive enactments the authority of law, he participates in the curtailment of his means of seeing that the law is faithfully executed, while the obligation of the law and of his constitutional duty remains unimpaired.

The appointment of special deputy marshals is not made by the statute a spontaneous act of authority on the part of any executive or judicial officer of the Government, but is accorded as a popular right of the citizens to call into operation this agency for securing the purity and freedom of elections in any city or town having 20,000 inhabitants or upward. Section 2021 of the Revised Statutes puts it in the power of any two citizens of such city or town to require of the marshal of the district the appointment of these special deputy marshals. Thereupon the duty of the marshal becomes imperative, and its nonperformance would expose him to judicial mandate or punishment or to removal from office by the President, as the circumstances of his conduct might require. The bill now before me neither revokes this popular right of the citizens, nor relieves the marshal of the duty imposed by law, nor the President of his duty to see that this law is faithfully executed.

I forbear to enter again upon any general discussion of the wisdom and necessity of the election laws or of the dangerous and unconstitutional principle of this bill—that the power vested in Congress to originate appropriations involves the right to compel the Executive to approve any legislation which Congress may see fit to attach to such bills, under the penalty of refusing the means needed to carry on essential functions of the Government. My views on these subjects have been sufficiently presented in the special messages sent by me to the House of Representatives during their present session. What was said in those messages I regard as conclusive as to my duty in respect to the bill before me. The arguments urged in those communications against the repeal of the election laws and against the right of Congress to deprive the Executive of that separate and independent discretion and judgment which the Constitution confers and requires are equally cogent in opposition to this bill. This measure leaves the powers and duties of the supervisors of elections untouched. The compensation of those officers is provided for under permanent laws, and no liability for which an appropriation is now required would therefore be incurred by their appointment. But the power of the National Government to protect them in the discharge of their duty at the polls would be taken away. The States may employ both civil and military power at the elections, but by this bill even the civil authority to protect Congressional elections is denied to the United States. The object is to prevent any adequate control by the United States over the national elections by forbidding the payment of deputy marshals, the officers who are clothed with authority to enforce the election laws.

The fact that these laws are deemed objectionable by a majority of both Houses of Congress is urged as a sufficient warrant for this legislation.

There are two lawful ways to overturn legislative enactments. One is their repeal; the other is the decision of a competent tribunal against their validity. The effect of this bill is to deprive the executive department of the Government of the means to execute laws which are not repealed, which have not been declared invalid, and which it is therefore the duty of the executive and of every other department of Government to obey and to enforce.

I have in my former message on this subject expressed a willingness to concur in suitable amendments for the improvement of the election laws; but I can not consent to their absolute and entire repeal, and I can not approve legislation which seeks to prevent their enforcement.

RUTHERFORD B. HAYES.

EXECUTIVE MANSION, *June 27, 1879.*

To the Senate of the United States:

I return without approval Senate bill No. 595,* with the following objection to its becoming a law:

Doubts have arisen upon consideration of the bill as to whether Major Collins will be required under it to refund to the United States the pay and allowances received by him at the time he was mustered out of the service. Believing that it was not the intention of Congress to require such repayment, the bill is returned without my signature to the House in which it originated.

---

* "An act to amend 'An act for the relief of Joseph B. Collins,' approved March 3, 1879."

R. B. HAYES.

EXECUTIVE MANSION, *June 30, 1879.*

To the House of Representatives:

I return to the House of Representatives, in which it originated, the bill entitled "An act making appropriations to pay fees of United States marshals and their general deputies," with the following objections to its becoming a law:

The bill appropriates the sum of $600,000 for the payment during the fiscal year ending June 30, 1880, of United States marshals and their general deputies. The offices thus provided for are essential to the faithful execution of the laws. They were created and their powers and duties defined by Congress at its first session after the adoption of the Constitution in the judiciary act which was approved September 24, 1789. Their general duties, as defined in the act which originally established them, were substantially the same as those prescribed in the statutes now in force.

The principal provision on the subject in the Revised Statutes is as follows:

> SEC. 787. It shall be the duty of the marshal of each district to attend the district and circuit courts when sitting therein, and to execute throughout the district all lawful precepts directed to him and issued under the authority of the United States; and he shall have power to command all necessary assistance in the execution of his duty.

The original act was amended February 28, 1795, and the amendment is now found in the Revised Statutes in the following form:

> SEC. 788. The marshals and their deputies shall have in each State the same powers in executing the laws of the United States as the sheriffs and their deputies in such State may have by law in executing the laws thereof.

By subsequent statutes additional duties have been from time to time imposed upon the marshals and their deputies, the due and regular performance of which are required for the efficiency of almost every branch of the public service. Without these officers there would be no means of executing the warrants, decrees, or other process of the courts, and the judicial system of the country would be fatally defective. The criminal jurisdiction of the courts of the United States is very extensive. The crimes committed within the maritime jurisdiction of the United States are all cognizable only in the courts of the United States. Crimes against public justice; crimes against the operations of the Government, such as forging or counterfeiting the money or securities of the United States; crimes against the postal laws; offenses against the elective franchise, against the civil rights of citizens, against the existence of the

Government: crimes against the internal-revenue laws, the customs laws, the neutrality laws; crimes against laws for the protection of Indians and of the public lands—all of these crimes and many others can be punished only under United States laws, laws which, taken together, constitute a body of jurisprudence which is vital to the welfare of the whole country, and which can be enforced only by means of the marshals and deputy marshals of the United States. In the District of Columbia all of the process of the courts is executed by the officers in question. In short, the execution of the criminal laws of the United States, the service of all civil process in cases in which the United States is a party, and the execution of the revenue laws, the neutrality laws, and many other laws of large importance depend on the maintenance of the marshals and their deputies. They are in effect the only police of the United States Government. Officers with corresponding powers and duties are found in every State of the Union and in every country which has a jurisprudence which is worthy of the name. To deprive the National Government of these officers would be as disastrous to society as to abolish the sheriffs, constables, and police officers in the several States. It would be a denial to the United States of the right to execute its laws—a denial of all authority which requires the use of civil force. The law entitles these officers to be paid. The funds needed for the purpose have been collected from the people and are now in the Treasury. No objection is, therefore, made to that part of the bill before me which appropriates money for the support of the marshals and deputy marshals of the United States.

The bill contains, however, other provisions which are identical in tenor and effect with the second section of the bill entitled "An act making appropriations for certain judicial expenses," which on the 23d of the present month was returned to the House of Representatives with my objections to its approval. The provisions referred to are as follows:

> SEC. 2. That the sums appropriated in this act for the persons and public service embraced in its provisions are in full for such persons and public service for the fiscal year ending June 30, 1880; and no Department or officer of the Government shall during said fiscal year make any contract or incur any liability for the future payment of money under any of the provisions of title 26 mentioned in section 1 of this act until an appropriation sufficient to meet such contract or pay such liability shall have first been made by law.

Upon a reconsideration in the House of Representatives of the bill which contained these provisions it lacked a constitutional majority, and therefore failed to become a law. In order to secure its enactment, the same measure is again presented for my approval, coupled in the bill before me with appropriations for the support of marshals and their deputies during the next fiscal year. The object, manifestly, is to place before the Executive this alternative: Either to allow necessary functions of the public service to be crippled or suspended for want of the appropriations required to keep them in operation, or to approve legislation which in official communications to Congress he has declared would be a violation of his constitutional duty. Thus in this bill the principle is clearly embodied that by virtue of the provision of the Constitution which requires that "all bills for raising revenue shall originate in the House of Representatives" a bare majority of the House of Representatives has the right to withhold appropriations for the support of the Government unless the Executive consents to approve any legislation which may be attached to appropriation bills. I respectfully refer to the communications on this subject which I have sent to Congress during its present session for a statement of the grounds of my conclusions, and desire here merely to repeat that in my judgment to establish the principle of this bill is to make a radical, dangerous, and unconstitutional change in the character of our institutions.

RUTHERFORD B. HAYES.

PROCLAMATIONS.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas it has become known to me that certain evil-disposed persons have within the territory and jurisdiction of the United States begun and set on foot preparations for an organized and forcible possession of and settlement upon the lands of what is known as the Indian Territory, west of the State of Arkansas, which Territory is designated, recognized, and described by the treaties and laws of the United States and by the executive authorities as Indian country, and as such is only subject to occupation by Indian tribes, officers of the Indian Department, military posts, and such persons as may be privileged to reside and trade therein under the intercourse laws of the United States; and

Whereas those laws provide for the removal of all persons residing and trading therein without express permission of the Indian Department and agents, and also of all persons whom such agents may deem to be improper persons to reside in the Indian country:

Now, therefore, for the purpose of properly protecting the interests of the Indian nations and tribes, as well as of the United States, in said Indian Territory, and of duly enforcing the laws governing the same, I, Rutherford B. Hayes, President of the United States, do admonish and warn all such persons so intending or preparing to remove upon said lands or into said Territory without permission of the proper agent of the Indian Department against any attempt to so remove or settle upon any of the lands of said Territory; and I do further warn and notify any and all such persons who may so offend that they will be speedily and immediately removed therefrom by the agent, according to the laws made and provided; and if necessary the aid and assistance of the military forces of the United States will be invoked to carry into proper execution the laws of the United States herein referred to.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 26th day of April, A. D. 1879, and of the Independence of the United States the one hundred and third.

RUTHERFORD B. HAYES.

By the President:

WM. M. EVARTS, *Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

At no recurrence of the season which the devout habit of a religious people has made the occasion for giving thanks to Almighty God and humbly invoking His continued favor has the material prosperity enjoyed by our whole country been more conspicuous, more manifold, or more universal.

During the past year, also, unbroken peace with all foreign nations, the general prevalence of domestic tranquillity, the supremacy and security of the great institutions of civil and religious freedom, have gladdened the hearts of our people and confirmed their attachment to their Government, which the wisdom and courage of our ancestors so fitly framed and the wisdom and courage of their descendants have so firmly maintained to be the habitation of liberty and justice to successive generations.

Now, therefore, I, Rutherford B. Hayes, President of the United States, do appoint Thursday, the 27th day of November instant, as a day of national thanksgiving and prayer; and I earnestly recommend that, withdrawing themselves from secular cares and labors, the people of the United States do meet together on that day in their respective places of worship, there to give thanks and praise to Almighty God for His mercies and to devoutly beseech their continuance.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 3d day of November, A. D. 1879, and of the Independence of the United States the one hundred and fourth.

RUTHERFORD B. HAYES.

By the President:

WM. M. EVARTS, *Secretary of State.*

EXECUTIVE ORDERS.

[From the New-York Tribune, February 14, 1879.]

EXECUTIVE MANSION,
Washington, February 4, 1879.

General E. A. MERRITT.

MY DEAR GENERAL: I congratulate you on your confirmation. It is a great gratification to me, very honorable to you, and will prove, I believe, of signal service to the country. My desire is that the office be conducted on strictly business principles, and according to the rules for the civil service which were recommended by the Civil Service Commission in the Administration of General Grant. I want you to be perfectly independent of mere influence from any quarter. Neither my recommendation, nor that of Secretary Sherman, nor of any member of Congress or other influential person must be specially regarded. Let appointments and removals be made on business principles and according to rules. There must be, I assume, a few places filled by those you personally know to be trustworthy, but restrict the area of patronage to the narrowest limits. Let no man be put out merely because he is a friend to Mr. Arthur, and no man put in merely because he is our friend. The good of the service should be the sole end in view. The best means yet presented, it seems to me, are the rules recommended by the Civil Service Commission. I shall issue no new order on the subject at present. I am glad you approve of the message, and I wish you to see that all that is expressed or implied in it is faithfully carried out.

Again congratulating you, and assuring you of my entire confidence, I remain, sincerely,

R. B. HAYES.

REGULATIONS TO PREVENT THE INTRODUCTION OF THE "PLAGUE" INTO THE UNITED STATES.

TREASURY DEPARTMENT,
OFFICE OF THE SURGEON-GENERAL
UNITED STATES MARINE-HOSPITAL SERVICE,
Washington, D. C., March 3, 1879.

To Officers of the Customs Revenue, Medical Officers of the Marine-Hospital Service, and others whom it may concern:

The act approved April 29, 1878, entitled "An act to prevent the introduction of contagious or infectious diseases into the United States," provides that no vessel coming from any foreign port or country where any contagious or infectious disease exists, nor any vessel conveying infected merchandise, shall enter any port of the United States or pass the boundary line between the United States and any foreign country except in such manner as may be prescribed under said act.

Attention has been called to the prevalence of a dangerous epidemic disease in southern Russia known as the "plague," and its extremely virulent and contagious character, as manifested in the late outbreak, leaves no doubt that it is similar to, if not identical with, the "plague" which devastated the Old World in past centuries.

Because, therefore, of the danger which attaches to rags, furs, etc., as carriers of infection, the following regulations are framed, under the direction of the Secretary of the Treasury, and subject to the approval of the President, for the protection of the health of the people of the United States against the danger referred to:

Until further orders no vessel from any port of the Black Sea or the Sea of Azof, conveying any rags, furs, skins, hair, feathers, boxed or baled clothing or bedding, or any similar articles liable to convey infection, nor any vessel from any port of the Mediterranean or Red seas having on board such articles coming from southern Russia, shall enter any port of the United States until such articles shall have been removed from the vessel to open lighters or to some isolated locality and the vessel disinfected and thoroughly ventilated; and the suspected articles shall be disinfected, either by chemical agents and exposure to free currents of air or by burning, as shall be determined in each case by the Surgeon-General of the Marine-Hospital Service.

The certificate of the State or municipal quarantine officer of health may be accepted as satisfactory evidence of compliance with these regulations on the part of the vessel.

JNO. M. WOODWORTH,
Surgeon-General United States Marine-Hospital Service.

Approved: R. B. HAYES.

CUSTOM-HOUSE, NEW YORK CITY,
Collector's Office, February 26, 1879.

Hon. JOHN SHERMAN,
Secretary of the Treasury.

SIR: The President, by letter of 4th instant, having requested that appointments and promotions in this office should be made in accordance with the civil-service rules of 1872, and having also made a similar request of the naval officer, it has been deemed best to make, if practicable, the same rules applicable to all the offices in this city included in the order of the Treasury Department dated August 7, 1872.

With that view, and after several conferences, it has been agreed by the assistant treasurer, naval officer, appraiser, surveyor, and myself to submit the inclosed modifications of the rules of 1872, and should they meet approval to put in operation forthwith the rules so modified.

I am, very respectfully, E. A. MERRITT, *Collector.*

[The modifications submitted with the above letter are omitted, and instead are inserted the following regulations, based upon said modifications, approved by the President March 6, 1879, and amended with his approval in January, 1880.]

REGULATIONS GOVERNING APPOINTMENTS AND PROMOTIONS IN THE CUSTOMS SERVICE AND SUBTREASURY IN THE CITY OF NEW YORK.

I. Every application for appointment to a vacancy in the lowest grade of any group in the offices of the collector and the surveyor of customs, the naval officer, the appraiser, and the assistant treasurer of the United States in the city of New York must be made in the handwriting of the applicant to the head of the office in which employment is desired. It must state: (1) The position to which the applicant desires to be appointed;* (2) place and date of birth; (3) legal residence, and how long it has been such; (4) education; (5) occupation, past and present; (6) whether ever employed in the civil service, and, if so, when, how long, in what branch and capacity, and reasons for leaving the service; (7) whether ever in the Regular or

---

*The positions for which applications may be made in the several offices are:

Collector's and surveyor's office: (1) Inspector, at salary of $4 per day; (2) clerk, at annual salary of $1,200; (3) weigher's clerk, at annual salary of $1,200; (4) gauger's clerk, at annual salary

Volunteer Army or Navy, and, if so, when and in what organization and capacity; (8) applicant's name in full.

II. The applicant must certify to having composed and written the application without assistance; to the truth of the statements which it contains; to being a citizen of the United States, and faithful to the Union and the Constitution; and, if ever in the Regular or Volunteer Army or Navy, to having been honorably discharged.

III. Every application must be accompanied by a certificate, signed by two trustworthy and responsible persons, well known in the community in which they reside, that the applicant is personally well known to them to be of good moral character and of temperate and industrious habits, and to be faithful to the Union and the Constitution of the United States.

IV. Every application must also be accompanied by the certificate of a practicing physician as to the applicant's general health and physical capacity to perform the duties of the position to which he desires to be appointed: *Provided*, *however*, That no appointment will be made to any position in active outdoor service unless a surgeon of the United States Marine-Hospital Service shall certify that he has made a physical examination of the applicant and found him fit for such position. Such surgeon's examination may be postponed until required by the nominating officer.

V. Applications filed previously to the adoption of these regulations must be renewed or perfected in accordance therewith to entitle them to consideration. No applications for appointment as day or night inspectors in the custom-house from persons under 21 years of age, or for other positions under these regulations from persons under 18 years of age, will be considered. In compliance with section 1031 of the Treasury Regulations now in force, persons over 45 years of age are not eligible to any group the lowest grade of which is confined to persons receiving an annual salary of less than $1,800. This prohibition, however, shall not be applied to those who have been honorably discharged from the service and are otherwise qualified.

VI. All applications upon their receipt will be carefully examined by the board of examiners, and those which do not conform in every particular to the foregoing requirements, and such as show that the applicants are manifestly not qualified for the duties of the position desired, will be rejected and the applicants so notified. All other applicants will be designated as eligible for examination, and will be so notified. Inasmuch as applications are to be made in writing and each case is to be decided upon its merits, personal importunity will have no weight.

VII. Not less than five days prior to each examination a notification to appear at a time and place to be stated will be mailed to the eligible candidates, unless it shall be found impracticable to examine all of them, in which case a practicable number will be selected under the second regulation* for the civil service promulgated April 16, 1872, and notified to appear for examination. Those not selected for examination will remain on the eligible list. If any person notified to appear shall be unable to do so on account of sickness or other causes, he must promptly advise the board of examiners, in person or by mail, of his inability to attend, and his name will remain upon the eligible list; but any person attending an examination will not be allowed to subsequently plead sickness or other disabling causes as an excuse for defects in examination.

of $1,200; (5) night inspector, at a salary of $2.50 per day, and clerk, at an annual salary of less than $1,200.

Naval office: (1) Clerk, at an annual salary of $1,200; (2) clerk, at an annual salary of less than $1,200.

Assistant treasurer's office: (1) Clerk, at an annual salary of $2,000; (2) clerk, at an annual salary of $1,200; (3) clerk, at an annual salary of less than $1,200.

Appraiser's office: (1) Examiner, at an annual salary of $1,800; (2) clerk, verifier, or sampler, at an annual salary of $1,200; (3) clerk, verifier, or sampler, at an annual salary of less than $1,200; (4) openers and packers, at a salary of $3 per day.

*See p. 4135.

VIII. All candidates for appointment to positions the annual salary of which is $1,200 or more, who shall appear in accordance with such notification, will be subjected to a competitive written examination upon the following subjects: (1) Copying from dictation; (2) arithmetic—fundamental rules, fractions, proportion, percentage and interest, reduction; (3) elements of accounts and bookkeeping; (4) geography, history, and government—general questions, principally such as relate to the United States; (5) elements of English grammar, chiefly orthography and syntax; (6) writing and briefing letters; and (7) penmanship.

Candidates for appointment to positions the salary of which is less than $1,200 will be examined in like manner upon the following subjects: (1) Penmanship; (2) copying; (3) elements of English grammar, chiefly orthography and syntax; and (4) fundamental rules of arithmetic.

Proficiency in penmanship, orthography, and punctuation will be determined principally by a review of the examination papers, and as far as possible the examination in all the branches will be confined to practical exercises.

In examinations for appointments to positions requiring special or technical knowledge such additions may be made by the board of examiners to the list of subjects as the nature of the case may require.

For temporary employment to meet casual exigencies in the public business, or for special services as experts, appointments may be made without examination; but no such appointment shall be made for a term exceeding three months, which may be specially extended for a similar term only; and no such appointment shall be made to any regular or permanent position.

IX. The various subjects of the examination may be subdivided, if thought desirable, into classes, and to each subject or class a relative weight, according to its importance in the examination, will be assigned by each board of examiners. The mode of ascertaining the result of the examination will be as follows: The degree of accuracy with which each question shall be answered will first be marked by the board on a scale of 100. The average of the marks given to the answers to the questions in each subject or class will next be ascertained. Each average will then be multiplied by the number indicating the relative weight of the subject or class, and the sum of the products will be divided by the sum of the relative weights. The quotient will determine the candidate's standing in the examination. Relative weight will be assigned not merely to the special qualifications of the candidates, but to their general aptitude, as shown in the course of examination. Candidates will be examined during office hours, and in no case will their examination be continued more than one day.

X. The board of examiners will prepare a list of the persons examined in the order of their excellence, as proved by such examination, beginning with the highest, and will then certify to the head of the office the names standing at the head of such list, not exceeding three. When more than one appointment is to be made, the vacancies will be numbered, and the first three names will be certified for the first vacancy, the remaining two and the fourth for the second vacancy, the remaining two and the fifth for the third vacancy, and so on for the whole number of vacancies; but if, after selecting one of any three certified for appointment, the head of the office shall object to another presentation of either of the remaining names, it shall not be again certified.

XI. The examination papers of any candidate who shall have passed a minimum standard of 75 per cent, but who shall fail to be appointed, will, if requested by the candidate, be brought into competition with those candidates who shall compete for vacancies of the same class and nature occurring within one year: *Provided, however,* That the candidate shall not have been specially objected to by the head of the office under the last preceding regulation. No candidate who upon examination has been marked below the minimum will be allowed to again compete within one year from the date of such examination, unless for admission to a lower group.

XII. All examination papers will be filed, and will at all times be open to the inspection of those interested, under such restrictions as may be imposed by the head of the office.

XIII. There shall be one examining board for all appointments and promotions under these rules in the offices of the collector, surveyor, and naval officer, which shall consist of the surveyor and one representative to be nominated each by the collector and the naval officer, and three alternates, to be nominated one each by the collector, the naval officer, and the surveyor: *Provided*, *however*, That in examinations for positions in the surveyor's office the surveyor's alternate shall act on such board. The examining boards in the offices of the assistant treasurer and the appraiser shall consist of three persons, with three alternates, to be nominated by the assistant treasurer and the appraiser, respectively. All nominations as members and alternates on the examining boards shall be submitted to the Secretary of the Treasury for his approval. The heads of the several offices shall constitute a board of revision and appeal, which, upon appeal from any person examined or from any member of an examining board, shall revise the decision of said board.

XIV. Whenever the head of an office shall notify the board of examiners for such office that a vacancy which he desires to fill exists in any grade above the lowest not excepted from the rules and regulations for the civil service, the board will fix a time for holding an examination for the purpose, and at least five days before the same is to take place will cause a notice to be posted in a conspicuous place in the office, stating the grade and group of the vacancy, the date of the examination, and that the vacancy is to be filled by a competitive examination of applicants from the next lower grade, unless none in such lower grade be found qualified, when those in the next lower grade may compete, or, if there be none in any of the lower grades qualified, competition will be open to applicants. In any examination for promotion, if the competitors from the next lower grade shall not exceed three in number, the board may, at its discretion, open the competition to the next lower grade or below, as they may deem best; and furthermore, if such promotion would probably occasion vacancies requiring other promotions, the board may combine in one the necessary examinations for such promotions. No person who has been examined in any grade for promotion and failed to receive such promotion shall again be admitted to examination within six months, but in the meantime his general average, as ascertained by such examination, may be brought into competition, as provided in Regulation XI.

XV. The examination will be held upon the general subjects fixed for examinations for admission to the lowest grade of the group and upon such other subjects as the general nature of the business of the office and the special nature of the position to be filled may seem to the board of examiners to require. Due weight will be given to the efficiency with which the several candidates shall have previously performed their duties in the office; but no one who shall fail to pass a minimum standard of 75 per cent in the written examination will be certified for appointment.

XVI. If no applicants from within the group shall be found competent, an examination will be held of all who shall make application in accordance with the regulations governing applications for admission to the office, after due public notice by the head of the office. The examination will be conducted in accordance with the provisions for admission to the office, as required by the fourth rule* for the civil service promulgated December 19, 1871, but the nature of the examination will be the same as in any previous examination for the same vacancy.

XVII. The list of names from which the appointment is to be made will be prepared and certified in the manner provided for admission to the lowest grade.

XVIII. Persons employed in any of the offices to which these rules are applicable may be transferred without examination from one office to a grade no higher in another office, with the consent of the heads of the respective offices and the approval of the Secretary of the Treasury.

---

*See p. 4112.

XIX. Under the provisions of rule 2* of August 5, 1873, and the operation of these regulations, the power of suspension and of recommendation for discharge from the service shall remain with the nominating officer unrestricted. If, however, in his judgment it be deemed advisable, he may direct any person in his department to be cited before the regular examining board, and such board shall examine into and report upon the qualifications, efficiency, and general fitness for the position held, or for any position in the same or a lower grade, of the person so cited to appear; and furthermore, any person in the service engaged in active outdoor duties may be cited to appear before a surgeon of the United States Marine-Hospital Service and be examined by such surgeon as to the physical abilities of such person to perform the duties of the position occupied or of a position of less exposure, if otherwise qualified.

XX. The sessions of the examining boards shall not be open to the public, but the board of revision and appeal may select such number of prominent citizens as may be deemed advisable, who shall have free access to the examining rooms, and who shall take no part in the conduct of the examination, but may, by inspection and inquiry, assure themselves regarding its thoroughness and impartiality, and may publicly certify the results of their inspection.

[Seventh rule for the civil service under the Executive order of April 16, 1872.†]

The appointment of all persons entering the civil service in accordance with these regulations, excepting persons appointed by the President by and with the advice and consent of the Senate, postmasters, and persons appointed to any position in a foreign country, shall be made for a probationary term of six months, during which the conduct and capacity of such persons shall be tested; and if at the end of said probationary term satisfactory proofs of their fitness shall have been furnished by the board of examiners to the head of the Department in which they shall have been employed during said term, they shall be reappointed.

[Fourth regulation for the civil service under the Executive order of April 16, 1872.‡]

The appointment of persons to be employed exclusively in the secret service of the Government, also of persons to be employed as translators, stenographers, or private secretaries, * * * may be excepted from the operation of the rules.

[Ninth rule for the civil service under the Executive order of April 16, 1872.§]

Any person who, after long and faithful service in a Department, shall be incapacitated by mental or bodily infirmity for the efficient discharge of the duties of his position may be appointed by the head of the Department, at his discretion, to a position of less responsibility in the same Department.

[Seventh rule for the civil service under the Executive order of August 5, 1873.‖]

Applicants for appointment as cashiers of collectors of customs, cashiers of assistant treasurers, cashiers of postmasters, superintendents of money-order divisions in post-offices, and other custodians of large sums of public money for whose fidelity another officer has given official bonds may be appointed at discretion; but this rule shall not apply to any appointment to a position grouped below the grade of assistant teller.

The amendments of the New York custom-house rules seem proper.

R. B. H.

---

*See p. 4185. †See rule 7, promulgated December 19, 1871, p. 4112. ‡See p. 4135.

§See rule 9, promulgated December 19, 1871, p. 4112. ‖See p. 4186.

MARCH 6, 1879.

General E. A. MERRITT,
Collector of Customs, New York.

SIR: Your letter of the 26th ultimo, inclosing a draft of modification of the civil-service rules, was duly received, and the rules have been considered and approved by the President. You may therefore act upon them.

Very respectfully,

JOHN SHERMAN,
Secretary.

RULES GOVERNING APPOINTMENT AND PROMOTION IN THE NEW YORK POST-OFFICE.

For the purpose of making it more certain that only persons of good character and adequate capacity shall be selected from among applicants too numerous for the postmaster to become informed of their individual merits by personal investigation, the following rules are established:

1. Hereafter all applications for clerical appointment at this post-office must be made in accordance with a prescribed form, a copy of which will be furnished to each applicant.

2. All appointments to clerical positions will be made to the lowest grade, and no applications from persons under 16 or over 25 years of age will be entertained.

3. On receipt of an application for appointment, and before further action is taken in regard to it, the applicant will be referred to the medical officer for examination as to his physical condition, as being adequate for the service; and if the report is unfavorable the application will be rejected. Should the report be favorable, the application will be filed and registered in its regular order.

4. Every application must be accompanied by a certificate, signed by not less than three nor more than five reputable citizens, stating the time for which each has been acquainted with the applicant, and testifying to his good character and reputation for integrity, sobriety, and industry, and to the willingness of the signers to furnish personally any further information they may possess concerning the applicant, if so requested by the postmaster or the board of examiners.

5. Applications not properly filled out as herein required, or which are found to contain false statements, or which in any other manner show the unfitness of the applicant for employment in the post-office, will be rejected and the applicant notified of such rejection.

6. All examination papers, with the markings showing the relative proficiency of the candidates, will be carefully preserved and filed.

7. The names of candidates which have been on the register for one year without being reached for examination will be regarded as removed, and will not be selected for examination unless again placed on the register by a new application, after which they will be selected when reached in order.

8. All applications duly received and filed shall, when reached in order, be referred to a board of examiners, which is hereby appointed, and which shall consist of the assistant postmaster, auditor, the general superintendents of the fourth, fifth, and sixth divisions, and the assistant general superintendent of the third division. The postmaster's private secretary shall also act as secretary of said board.

9. When vacancies occur in the lowest grade, the board of examiners shall notify such number of applicants, not less than twenty, of those first on the register of applicants to appear for a competitive examination.

10. The questions to be asked and answered at such examinations shall be such as

will show the relative proficiency of the candidates, first, in penmanship; second, in arithmetic; third, in geography; fourth, in English grammar; fifth, in the history of the United States and in matters of a public nature, to the extent that may be required adequately to test general capacity or special fitness for the postal service.

11. The board shall present to the postmaster a list of the names of the successful candidates in the order of their excellence, as shown by the examination, beginning with the highest; and the appointments will be made from the three highest names on the list.

12. All further details in methods of examination will be left to the discretion of the board, but subject to the instructions of the postmaster, in conformity herewith.

13. All vacancies that may occur in the higher grades of any department shall be filled by promotion from the lower grades by means of competitive examinations, to which shall be admitted as competitors such persons only as are already employed in the division in which the vacancy exists or in divisions having analogous duties. The questions in these examinations shall be restricted mainly to matters pertaining to the ordinary business of that department. The examinations shall be conducted by the general superintendent of the division to which the department is attached, assisted by such one or more other officers of the same as the postmaster may select; and they shall report the result to the postmaster in the manner provided in rule 11, and the vacancy will be filled by the promotion of some one of the three standing highest in the competition. But whenever the vacancy to be filled by promotion is that of a position requiring the exercise of administrative authority the board may add such questions as will test the degree to which the candidates possess special qualifications for such position.

14. For positions as porters the examination will be confined to questions intended to test the physical ability of the candidates and their proficiency in reading, penmanship, and elementary arithmetic only.

15. The postmaster reserves from the operation of the above rules for original appointment and promotion positions of especial pecuniary trust, as well as those involving confidential relations, as private secretary, etc.

THOMAS L. JAMES, *Postmaster.*

Approved. Let these rules go into effect May 1, 1879.

D. M. KEY, *Postmaster-General.*

APRIL 3, 1879.

The foregoing rules are approved.

R. B. HAYES.

[From the Evening Star, Washington, D. C., May 28, 1879.]

EXECUTIVE MANSION,
Washington, May 28, 1879.

SIR:* I am directed by the President to say that the several Departments of the Government will be closed on Friday, the 30th instant, in remembrance of those who fell in defense of the nation, and to enable the employees to participate in the commemorative ceremonies of the day.

Very respectfully, your obedient servant,

W. K. ROGERS, *Private Secretary.*

---

*Addressed to the heads of the Executive Departments, etc.

TREASURY DEPARTMENT,
OFFICE OF THE SURGEON-GENERAL
UNITED STATES MARINE-HOSPITAL SERVICE,
Washington, D. C., May 31, 1879.

To Medical Officers of the Marine-Hospital Service and others whom it may concern:

Official information having been received to the effect that the "plague" which existed in southern Russia is now almost extinct, the regulations issued March 3, 1879,* imposing certain restrictions upon the importation of rags, etc., into the United States, are hereby revoked.

By order of the Secretary of the Treasury:

J. B. HAMILTON,
Surgeon-General United States Marine-Hospital Service.

Approved: R. B. HAYES.

EXECUTIVE MANSION,
Washington, November 1, 1879.

The sad intelligence of the death of Zachariah Chandler, late Secretary of the Interior, and during so many years a Senator from the State of Michigan, has been communicated to the Government and to the country, and in proper respect to his memory I hereby order that the several Executive Departments be closed to public business and their flags and those of their dependencies throughout the country be displayed at half-mast on the day of his funeral.

R. B. HAYES.

EXECUTIVE MANSION,
Washington, November 17, 1879.

DEAR SIR:† I am directed by the President to say that the several Departments of the Government will be closed on Wednesday, the 19th instant, to enable the employees to participate in the ceremonies attending the unveiling of the statue of the late General George H. Thomas.

Very truly, yours,

W. K. ROGERS, *Private Secretary.*

THIRD ANNUAL MESSAGE.

EXECUTIVE MANSION, *December 1, 1879.*

Fellow-Citizens of the Senate and House of Representatives:

The members of the Forty-sixth Congress have assembled in their first regular session under circumstances calling for mutual congratulation and grateful acknowledgment to the Giver of All Good for the large and unusual measure of national prosperity which we now enjoy.

The most interesting events which have occurred in our public affairs since my last annual message to Congress are connected with the financial operations of the Government, directly affecting the business interests of the country. I congratulate Congress on the successful execution of the resumption act. At the time fixed, and in the manner contemplated by law, United States notes began to be redeemed in coin. Since the 1st of January last they have been promptly redeemed on presentation, and in all business transactions, public and private, in all parts of the country, they are received and paid out as the equivalent of coin. The demand upon the Treasury for gold and silver in exchange for United States notes has been comparatively small, and the voluntary deposit of coin and bullion in exchange for notes has been very large. The excess of the precious metals deposited or exchanged for United States notes over the amount of United States notes redeemed is about $40,000,000.

---

*See pp. 4501-4502. †Addressed to the heads of the Executive Departments, etc.

The resumption of specie payments has been followed by a very great revival of business. With a currency equivalent in value to the money of the commercial world, we are enabled to enter upon an equal competition with other nations in trade and production. The increasing foreign demand for our manufactures and agricultural products has caused a large balance of trade in our favor, which has been paid in gold, from the 1st of July last to November 15, to the amount of about $59,000,000. Since the resumption of specie payments there has also been a marked and gratifying improvement of the public credit. The bonds of the Government bearing only 4 per cent interest have been sold at or above par, sufficient in amount to pay off all of the national debt which was redeemable under present laws. The amount of interest saved annually by the process of refunding the debt since March 1, 1877, is $14,297,177. The bonds sold were largely in small sums, and the number of our citizens now holding the public securities is much greater than ever before. The amount of the national debt which matures within less than two years is $792,121,700, of which $500,000,000 bear interest at the rate of 5 per cent, and the balance is in bonds bearing 6 per cent interest. It is believed that this part of the public debt can be refunded by the issue of 4 per cent bonds, and, by the reduction of interest which will thus be effected, about $11,000,000 can be annually saved to the Treasury. To secure this important reduction of interest to be paid by the United States further legislation is required, which it is hoped will be provided by Congress during its present session.

The coinage of gold by the mints of the United States during the last fiscal year was $40,986,912. The coinage of silver dollars since the passage of the act for that purpose up to November 1, 1879, was $45,000,850, of which $12,700,344 have been issued from the Treasury and are now in circulation, and $32,300,506 are still in the possession of the Government.

The pendency of the proposition for unity of action between the United States and the principal commercial nations of Europe to effect a permanent system for the equality of gold and silver in the recognized money of the world leads me to recommend that Congress refrain from new legislation on the general subject. The great revival of trade, internal and foreign, will supply during the coming year its own instructions, which may well be awaited before attempting further experimental measures with the coinage. I would, however, strongly urge upon Congress the importance of authorizing the Secretary of the Treasury to suspend the coinage of silver dollars upon the present legal ratio. The market value of the silver dollar being uniformly and largely less than the market value of the gold dollar, it is obviously impracticable to maintain them at par with each other if both are coined without limit. If the cheaper coin is forced into circulation, it will, if coined without limit, soon become the sole standard of value, and thus defeat the desired object, which is a currency of both gold and silver which shall be of equivalent value, dollar for dollar, with the universally recognized money of the world.

The retirement from circulation of United States notes with the capacity of legal tender in private contracts is a step to be taken in our progress toward a safe and stable currency which should be accepted as the policy and duty of the Government and the interest and security of the people. It is my firm conviction that the issue of legal-tender paper money based wholly upon the authority and credit of the Government, except in extreme emergency, is without warrant in the Constitution and a violation of sound financial principles. The issue of United States notes during the late civil war with the capacity of legal tender between private individuals was not authorized except as a means of rescuing the country from imminent peril. The circulation of these notes as paper money for any protracted period of time after the accomplishment of this purpose was not contemplated by the framers of the law under which they were issued. They anticipated the redemption and withdrawal of these notes at the earliest practicable period consistent with the attainment of the object for which they were provided.

The policy of the United States, steadily adhered to from the adoption of the Constitution, has been to avoid the creation of a national debt; and when, from necessity in time of war, debts have been created, they have been paid off, on the return of peace, as rapidly as possible. With this view, and for this purpose, it is recommended that the existing laws for the accumulation of a sinking fund sufficient to extinguish the public debt within a limited period be maintained. If any change of the objects or rates of taxation is deemed necessary by Congress, it is suggested that experience has shown that a duty can be placed on tea and coffee which will not enhance the price of those articles to the consumer, and which will add several millions of dollars annually to the Treasury.

The continued deliberate violation by a large number of the prominent and influential citizens of the Territory of Utah of the laws of the United

States for the prosecution and punishment of polygamy demands the attention of every department of the Government. This Territory has a population sufficient to entitle it to admission as a State, and the general interests of the nation, as well as the welfare of the citizens of the Territory, require its advance from the Territorial form of government to the responsibilities and privileges of a State. This important change will not, however, be approved by the country while the citizens of Utah in very considerable number uphold a practice which is condemned as a crime by the laws of all civilized communities throughout the world.

The law for the suppression of this offense was enacted with great unanimity by Congress more than seventeen years ago, but has remained until recently a dead letter in the Territory of Utah, because of the peculiar difficulties attending its enforcement. The opinion widely prevailed among the citizens of Utah that the law was in contravention of the constitutional guaranty of religious freedom. This objection is now removed. The Supreme Court of the United States has decided the law to be within the legislative power of Congress and binding as a rule of action for all who reside within the Territories. There is no longer any reason for delay or hesitation in its enforcement. It should be firmly and effectively executed. If not sufficiently stringent in its provisions, it should be amended; and in aid of the purpose in view I recommend that more comprehensive and more searching methods for preventing as well as punishing this crime be provided. If necessary to secure obedience to the law, the enjoyment and exercise of the rights and privileges of citizenship in the Territories of the United States may be withheld or withdrawn from those who violate or oppose the enforcement of the law on this subject.

The elections of the past year, though occupied only with State officers, have not failed to elicit in the political discussions which attended them all over the country new and decisive evidence of the deep interest which the great body of citizens take in the progress of the country toward a more general and complete establishment, at whatever cost, of universal security and freedom in the exercise of the elective franchise. While many topics of political concern demand great attention from our people, both in the sphere of national and State authority, I find no reason to qualify the opinion I expressed in my last annual message, that no temporary or administrative interests of government, however urgent or weighty, will ever displace the zeal of our people in defense of the primary rights of citizenship, and that the power of public opinion will override all political prejudices, and all sectional and State attachments in demanding that all over our wide territory the name and character of citizen of the United States shall mean one and the same thing and carry with them unchallenged security and respect. I earnestly appeal to the intelligence and patriotism of all good citizens of every part of the country, however much they may be divided in opinions on other political subjects, to unite in compelling obedience to existing laws aimed at the protection of the right of suffrage. I respectfully urge upon Congress to supply any defects in these laws which experience has shown and which it is within its power to remedy. I again invoke the cooperation of the executive and legislative authorities of the States in this great purpose. I am fully convinced that if the public mind can be set at rest on this paramount question of popular rights no serious obstacle will thwart or delay the complete pacification of the country or retard the general diffusion of prosperity.

In a former message I invited the attention of Congress to the subject of the reformation of the civil service of the Government, and expressed the intention of transmitting to Congress as early as practicable a report upon this subject by the chairman of the Civil Service Commission.

In view of the facts that during a considerable period the Government of Great Britain has been dealing with administrative problems and abuses in various particulars analogous to those presented in this country, and that in recent years the measures adopted were understood to have been effective and in every respect highly satisfactory, I thought it desirable to have fuller information upon the subject, and accordingly requested the chairman of the Civil Service Commission to make a thorough investigation for this purpose. The result has been an elaborate and comprehensive report.

The report sets forth the history of the partisan spoils system in Great Britain, and of the rise and fall of the parliamentary patronage, and of official interference with the freedom of elections. It shows that after long trials of various kinds of examinations those which are competitive and open on equal terms to all, and which are carried on under the superintendence of a single commission, have, with great advantage, been established as conditions of admission to almost every official place in the subordinate administration of that country and of British India. The completion of the report, owing to the extent of the labor involved in its preparation and the omission of Congress to make any provision either for the compensation or the expenses of the Commission, has been postponed until the present time. It is herewith transmitted to Congress.

While the reform measures of another government are of no authority for us, they are entitled to influence to the extent to which their intrinsic wisdom and their adaptation to our institutions and social life may commend them to our consideration. The views I have heretofore expressed concerning the defects and abuses in our civil administration remain unchanged, except in so far as an enlarged experience has deepened my sense of the duty both of officers and of the people themselves to cooperate for their removal. The grave evils and perils of a partisan spoils system of appointment to office and of office tenure are now generally recognized. In the resolutions of the great parties, in the reports of Departments, in the debates and proceedings of Congress, in the messages of Executives, the gravity of these evils has been pointed out and the need of their reform has been admitted.

To command the necessary support, every measure of reform must be based on common right and justice, and must be compatible with the healthy existence of great parties, which are inevitable and essential in a free state.

When the people have approved a policy at a national election, confidence on the part of the officers they have selected and of the advisers who, in accordance with our political institutions, should be consulted in the policy which it is their duty to carry into effect is indispensable. It is eminently proper that they should explain it before the people, as well as illustrate its spirit in the performance of their official duties.

Very different considerations apply to the greater number of those who fill the subordinate places in the civil service. Their responsibility is to their superiors in official position. It is their duty to obey the legal instructions of those upon whom that authority is devolved, and their best public service consists in the discharge of their functions irrespective of partisan politics. Their duties are the same whatever party is in power and whatever policy prevails. As a consequence it follows that their tenure of office should not depend on the prevalence of any policy or the supremacy of any party, but should be determined by their capacity to serve the people most usefully quite irrespective of partisan interests. The same considerations that should govern the tenure should also prevail in the appointment, discipline, and removal of these subordinates. The authority of appointment and removal is not a perquisite, which may be used to aid a friend or reward a partisan, but is a trust, to be exercised in the public interest under all the sanctions which attend the obligation to apply the public funds only for public purposes.

Every citizen has an equal right to the honor and profit of entering the public service of his country. The only just ground of discrimination is the measure of character and capacity he has to make that service most useful to the people. Except in cases where, upon just and recognized principles—as upon the theory of pensions—offices and promotions are bestowed as rewards for past services, their bestowal upon any theory which disregards personal merit is an act of injustice to the citizen, as well as a breach of that trust subject to which the appointing power is held.

In the light of these principles it becomes of great importance to provide just and adequate means, especially for every Department and large administrative office, where personal discrimination on the part of its head is not practicable, for ascertaining those qualifications to which appointments and removals should have reference. To fail to provide such means is not only to deny the opportunity of ascertaining the facts upon which the most righteous claim to office depends, but of necessity to discourage all worthy aspirants by handing over appointments and removals to mere influence and favoritism. If it is the right of the worthiest claimant to gain the appointment and the interest of the people to bestow it upon him, it would seem clear that a wise and just method of ascertaining personal fitness for office must be an important and permanent function of every just and wise government. It has long since become impossible in the great offices for those having the duty of nomination and appointment to personally examine into the individual qualifications of more than a small proportion of those seeking office, and with the enlargement of the civil service that proportion must continue to become less.

In the earlier years of the Government the subordinate offices were so few in number that it was quite easy for those making appointments and promotions to personally ascertain the merits of candidates. Party managers and methods had not then become powerful agencies of coercion, hostile to the free and just exercise of the appointing power.

A large and responsible part of the duty of restoring the civil service to the desired purity and efficiency rests upon the President, and it is my purpose to do what is within my power to advance such prudent and gradual measures of reform as will most surely and rapidly bring about that radical change of system essential to make our administrative methods satisfactory to a free and intelligent people. By a proper exercise of authority it is in the power of the Executive to do much to promote such a reform. But it can not be too clearly understood that nothing adequate can be accomplished without cooperation on the part of Congress and considerate and intelligent support among the people. Reforms which challenge the generally accepted theories of parties and demand changes in the methods of Departments are not the work of a day. Their permanent foundations must be laid in sound principles and in an experience which demonstrates their wisdom and exposes the errors of their adversaries. Every worthy officer desires to make his official action a gain and an honor to his country; but the people themselves, far more than their officers in public station, are interested in a pure, economical, and vigorous administration.

By laws enacted in 1853 and 1855, and now in substance incorporated in the Revised Statutes, the practice of arbitrary appointments to the several subordinate grades in the great Departments was condemned, and examinations as to capacity, to be conducted by departmental boards of examiners, were provided for and made conditions of admission to the public service. These statutes are a decision by Congress that examinations of some sort as to attainments and capacity are essential to the well-being of the public service. The important questions since the enactment of these laws have been as to the character of these examinations, and whether official favor and partisan influence or common right and merit were to control the access to the examinations. In practice these examinations have not always been open to worthy persons generally who might wish to be examined. Official favoritism and partisan influence, as a rule, appear to have designated those who alone were permitted to go before the examining boards, subjecting even the examiners to a pressure from the friends of the candidates very difficult to resist. As a consequence the standard of admission fell below that which the public interest demanded. It was also almost inevitable that a system which provided for various separate boards of examiners, with no common supervision or uniform method of procedure, should result in confusion, inconsistency, and inadequate tests of capacity, highly detrimental to the public interest. A further and more radical change was obviously required.

In the annual message of December, 1870, my predecessor declared that—

> There is no duty which so much embarrasses the Executive and heads of Departments as that of appointments, nor is there any such arduous and thankless labor imposed on Senators and Representatives as that of finding places for constituents. The present system does not secure the best men, and often not even fit men, for public place. The elevation and purification of the civil service of the Government will be hailed with approval by the whole people of the United States.

Congress accordingly passed the act approved March 3, 1871, "to regulate the civil service of the United States and promote the efficiency thereof," giving the necessary authority to the Executive to inaugurate a civil-service reform.

Acting under this statute, which was interpreted as intended to secure a system of just and effectual examinations under uniform supervision, a number of eminently competent persons were selected for the purpose, who entered with zeal upon the discharge of their duties, prepared with an intelligent appreciation of the requirements of the service the regulations contemplated, and took charge of the examinations, and who in their capacity as a board have been known as the "Civil Service Commission." Congress for two years appropriated the money needed for the compensation and for the expense of carrying on the work of the Commission.

It appears from the report of the Commission submitted to the President in April, 1874, that examinations had been held in various sections of the country, and that an appropriation of about $25,000 would be required to meet the annual expenses, including salaries, involved in discharging the duties of the Commission. The report was transmitted to Congress by special message of April 18, 1874, with the following favorable comment upon the labors of the Commission:

> If sustained by Congress, I have no doubt the rules can, after the experience gained, be so improved and enforced as to still more materially benefit the public service and relieve the Executive, members of Congress, and the heads of Departments from influences prejudicial to good administration. The rules, as they have hitherto been enforced, have resulted beneficially, as is shown by the opinions of the members of the Cabinet and their subordinates in the Departments, and in that opinion I concur.

And in the annual message of December of the same year similar views are expressed and an appropriation for continuing the work of the Commission again advised.

The appropriation was not made, and as a consequence the active work of the Commission was suspended, leaving the Commission itself still in existence. Without the means, therefore, of causing qualifications to be tested in any systematic manner or of securing for the public service the advantages of competition upon any extensive plan, I recommended in my annual message of December, 1877, the making of an appropriation for the resumption of the work of the Commission.

In the meantime, however, competitive examinations, under many embarrassments, have been conducted within limited spheres in the Executive Departments in Washington and in a number of the custom-houses and post-offices of the principal cities of the country, with a view to further test their effects, and in every instance they have been found to be as salutary as they are stated to have been under the Administration of my predecessor. I think the economy, purity, and efficiency of the public service would be greatly promoted by their systematic introduction, wherever practicable, throughout the entire civil service of the Government, together with ample provision for their general supervision in order to secure consistency and uniform justice.

Reports from the Secretary of the Interior, from the Postmaster-General, from the postmaster in the city of New York, where such examinations have been some time on trial, and also from the collector of the port, the naval officer, and the surveyor in that city, and from the postmasters and collectors in several of the other large cities, show that the competitive system, where applied, has in various ways contributed to improve the public service.

The reports show that the results have been salutary in a marked degree, and that the general application of similar rules can not fail to be of decided benefit to the service.

The reports of the Government officers, in the city of New York especially, bear decided testimony to the utility of open competitive examinations in their respective offices, showing that—

> These examinations and the excellent qualifications of those admitted to the service through them have had a marked incidental effect upon the persons previously in the service, and particularly upon those aspiring to promotion. There has been on the part of these latter an increased interest in the work and a desire to extend acquaintance with it beyond the particular desk occupied, and thus the morale of the entire force has been raised. * * * The examinations have been attended by many citizens, who have had an opportunity to thoroughly investigate the scope and character of the tests and the method of determining the results, and those visitors have without exception approved the methods employed, and several of them have publicly attested their favorable opinion.

Upon such considerations I deem it my duty to renew the recommendation contained in my annual message of December, 1877, requesting Congress to make the necessary appropriation for the resumption of the work of the Civil Service Commission. Economy will be promoted by authorizing a moderate compensation to persons in the public service who may perform extra labor upon or under the Commission, as the Executive may direct.

I am convinced that if a just and adequate test of merit is enforced for admission to the public service and in making promotions such abuses as removals without good cause and partisan and official interference with the proper exercise of the appointing power will in large measure disappear.

There are other administrative abuses to which the attention of Congress should be asked in this connection. Mere partisan appointments and the constant peril of removal without cause very naturally lead to an absorbing and mischievous political activity on the part of those thus appointed, which not only interferes with the due discharge of official duty, but is incompatible with the freedom of elections. Not without warrant in the views of several of my predecessors in the Presidential office, and directly within the law of 1871, already cited, I endeavored, by regulation made on the 22d day of June, 1877, to put some reasonable limits to such abuses. It may not be easy, and it may never perhaps be necessary, to define with precision the proper limit of political action on the part of Federal officers. But while their right to hold and freely express their opinions can not be questioned, it is very plain that they should neither be allowed to devote to other subjects the time needed for the proper discharge of their official duties nor to use the authority of their office to enforce their own opinions or to coerce the political action of those who hold different opinions.

Reasons of justice and public policy quite analogous to those which forbid the use of official power for the oppression of the private citizen impose upon the Government the duty of protecting its officers and agents from arbitrary exactions. In whatever aspect considered, the practice of making levies for party purposes upon the salaries of officers is highly demoralizing to the public service and discreditable to the country. Though an officer should be as free as any other citizen to give his own money in aid of his opinions or his party, he should also be as free as any other citizen to refuse to make such gifts. If salaries are but a fair compensation for the time and labor of the officer, it is gross injustice to levy a tax upon them. If they are made excessive in order that they may bear the tax, the excess is an indirect robbery of the public funds.

I recommend, therefore, such a revision and extension of present statutes as shall secure to those in every grade of official life or public employment the protection with which a great and enlightened nation should guard those who are faithful in its service.

Our relations with foreign countries have continued peaceful.

With Great Britain there are still unsettled questions, growing out of the local laws of the maritime provinces and the action of provincial authorities deemed to be in derogation of rights secured by treaty to American fishermen. The United States minister in London has been instructed to present a demand for $105,305.02 in view of the damages received by American citizens at Fortune Bay on the 6th day of January, 1878. The subject has been taken into consideration by the British Government, and an early reply is anticipated.

Upon the completion of the necessary preliminary examinations the subject of our participation in the provincial fisheries, as regulated by treaty, will at once be brought to the attention of the British Government, with a view to an early and permanent settlement of the whole question, which was only temporarily adjusted by the treaty of Washington.

Efforts have been made to obtain the removal of restrictions found injurious to the exportation of cattle to the United Kingdom.

Some correspondence has also occurred with regard to the rescue and saving of life and property upon the Lakes, which has resulted in important modifications of the previous regulations of the Dominion government on the subject in the interest of humanity and commerce.

In accordance with the joint resolution of the last session of Congress, commissioners were appointed to represent the United States at the two international exhibitions in Australia, one of which is now in progress at Sydney, and the other to be held next year at Melbourne. A desire has been expressed by our merchants and manufacturers interested in the important and growing trade with Australia that an increased provision should be made by Congress for the representation of our industries at the Melbourne exhibition of next year, and the subject is respectfully submitted to your favorable consideration.

The assent of the Government has been given to the landing on the coast of Massachusetts of a new and independent transatlantic cable between France, by way of the French island of St. Pierre, and this country, subject to any future legislation of Congress on the subject. The conditions imposed before allowing this connection with our shores to be established are such as to secure its competition with any existing or future lines of marine cable and preclude amalgamation therewith, to provide for entire equality of rights to our Government and people with those of France in the use of the cable, and prevent any exclusive possession of the privilege as accorded by France to the disadvantage of any future cable communication between France and the United States which may be projected and accomplished by our citizens. An important reduction of the present rates of cable communication with Europe, felt to be too burdensome to the interests of our commerce, must necessarily flow from the establishment of this competing line.

The attention of Congress was drawn to the propriety of some general regulation by Congress of the whole subject of transmarine cables by my predecessor in his message of December 7, 1875, and I respectfully submit to your consideration the importance of Congressional action in the matter.

The questions of grave importance with Spain growing out of the incidents of the Cuban insurrection have been for the most part happily and honorably settled. It may reasonably be anticipated that the commission now sitting in Washington for the decision of private cases in this connection will soon be able to bring its labors to a conclusion.

The long-standing question of East Florida claims has lately been renewed as a subject of correspondence, and may possibly require Congressional action for its final disposition.

A treaty with the Netherlands with respect to consular rights and privileges similar to those with other powers has been signed and ratified, and the ratifications were exchanged on the 31st of July last. Negotiations for extradition treaties with the Netherlands and with Denmark are now in progress.

Some questions with Switzerland in regard to pauper and convict emigrants have arisen, but it is not doubted that they will be arranged upon a just and satisfactory basis. A question has also occurred with respect to an asserted claim by Swiss municipal authorities to exercise tutelage over persons and property of Swiss citizens naturalized in this country. It is possible this may require adjustment by treaty.

With the German Empire frequent questions arise in connection with the subjects of naturalization and expatriation, but the Imperial Government has constantly manifested a desire to strictly maintain and comply with all treaty stipulations in regard to them.

In consequence of the omission of Congress to provide for a diplomatic representative at Athens, the legation to Greece has been withdrawn. There is now no channel of diplomatic communication between the two countries, and the expediency of providing for one in some form is submitted to Congress.

Relations with Austria, Russia, Italy, Portugal, Turkey, and Belgium continue amicable, and marked by no incident of especial importance.

A change of the personal head of the Government of Egypt has taken place. No change, however, has occurred in the relations between Egypt and the United States. The action of the Egyptian Government in presenting to the city of New York one of the ancient obelisks, which possess such historic interest, is highly appreciated as a generous mark of international regard. If prosperity should attend the enterprise of its transportation across the Atlantic, its erection in a conspicuous position in the chief commercial city of the nation will soon be accomplished.

The treaty recently made between Japan and the United States in regard to the revision of former commercial treaties it is now believed will be followed by similar action on the part of other treaty powers. The attention of Congress is again invited to the subject of the indemnity funds received some years since from Japan and China, which, with their accumulated interest, now amount to considerable sums. If any part of these funds is justly due to American citizens, they should receive it promptly; and whatever may have been received by this Government in excess of strictly just demands should in some form be returned to the nations to whom it equitably belongs.

The Government of China has signified its willingness to consider the question of the emigration of its subjects to the United States with a dispassionate fairness and to cooperate in such measures as may tend to prevent injurious consequences to the United States. The negotiations are still proceeding, and will be pressed with diligence.

A question having arisen between China and Japan about the Lew Chew Islands, the United States Government has taken measures to inform those powers of its readiness to extend its good offices for the maintenance of peace if they shall mutually deem it desirable and find it practicable to avail themselves of the proffer.

It is a gratification to be able to announce that, through the judicious and energetic action of the military commanders of the two nations on each side of the Rio Grande, under the instructions of their respective Governments, raids and depredations have greatly decreased, and in the localities where formerly most destructive have now almost wholly ceased. In view of this result, I entertain a confident expectation that the prevalence of quiet on the border will soon become so assured as to justify a modification of the present orders to our military commanders as to crossing the border, without encouraging such disturbances as would endanger the peace of the two countries.

The third installment of the award against Mexico under the claims commission of July 4, 1868, was duly paid, and has been put in course of distribution in pursuance of the act of Congress providing for the same. This satisfactory situation between the two countries leads me to anticipate an expansion of our trade with Mexico and an increased contribution of capital and industry by our people to the development of the great resources of that country. I earnestly commend to the wisdom of Congress the provision of suitable legislation looking to this result.

Diplomatic intercourse with Colombia is again fully restored by the arrival of a minister from that country to the United States. This is especially fortunate in view of the fact that the question of an interoceanic canal has recently assumed a new and important aspect and is now under discussion with the Central American countries through whose territory the canal, by the Nicaragua route, would have to pass. It is trusted that enlightened statesmanship on their part will see that the early prosecution of such a work will largely inure to the benefit, not only of their own citizens and those of the United States, but of the commerce of the civilized world. It is not doubted that should the work be undertaken under the protective auspices of the United States, and upon satisfactory concessions for the right of way and its security by the

Central American Governments, the capital for its completion would be readily furnished from this country and Europe, which might, failing such guaranties, prove inaccessible.

Diplomatic relations with Chile have also been strengthened by the reception of a minister from that country.

The war between Peru, Bolivia, and Chile still continues. The United States have not deemed it proper to interpose in the matter further than to convey to all the Governments concerned the assurance that the friendly offices of the Government of the United States for the restoration of peace upon an honorable basis will be extended in case the belligerents shall exhibit a readiness to accept them.

Cordial relations continue with Brazil and the Argentine Republic, and trade with those countries is improving. A provision for regular and more frequent mail communication, in our own ships, between the ports of this country and the nations of South America seems to me to deserve the attention of Congress as an essential precursor of an enlargement of our commerce with them and an extension of our carrying trade.

A recent revolution in Venezuela has been followed by the establishment of a provisional government. This government has not yet been formally recognized, and it is deemed desirable to await the proposed action of the people which is expected to give it the sanction of constitutional forms.

A naval vessel has been sent to the Samoan Islands to make surveys and take possession of the privileges ceded to the United States by Samoa in the harbor of Pago-Pago. A coaling station is to be established there, which will be convenient and useful to United States vessels.

The subject of opening diplomatic relations with Roumania and Servia, now become independent sovereignties, is at present under consideration, and is the subject of diplomatic correspondence.

There is a gratifying increase of trade with nearly all European and American countries, and it is believed that with judicious action in regard to its development it can and will be still more enhanced and that American products and manufactures will find new and expanding markets. The reports of diplomatic and consular officers upon this subject, under the system now adopted, have resulted in obtaining much valuable information, which has been and will continue to be laid before Congress and the public from time to time.

The third article of the treaty with Russia of March 30, 1867, by which Alaska was ceded to the United States, provides that the inhabitants of the ceded territory, with the exception of the uncivilized native tribes, shall be admitted to the enjoyment of all the rights of citizens of the United States and shall be maintained and protected in the free enjoyment of their liberty, property, and religion. The uncivilized tribes are subject to such laws and regulations as the United States may from time to time adopt in regard to the aboriginal tribes of that country.

Both the obligations of this treaty and the necessities of the people require that some organized form of government over the Territory of Alaska be adopted.

There appears to be no law for the arrest of persons charged with common-law offenses, such as assault, robbery, and murder, and no magistrate authorized to issue or execute process in such cases. Serious difficulties have already arisen from offenses of this character, not only among the original inhabitants, but among citizens of the United States and other countries who have engaged in mining, fishing, and other business operations within the territory. A bill authorizing the appointment of justices of the peace and constables and the arrest and detention of persons charged with criminal offenses, and providing for an appeal to United States courts for the district of Oregon in suitable cases, will at a proper time be submitted to Congress.

The attention of Congress is called to the annual report of the Secretary of the Treasury on the condition of the public finances.

The ordinary revenues from all sources for the fiscal year ended June 30, 1879, were $273,827,184.46; the ordinary expenditures for the same period were $266,947,883.53, leaving a surplus revenue for the year of $6,879,300.93.

The receipts for the present fiscal year, ending June 30, 1880, actual and estimated, are as follows: Actual receipts for the first quarter, commencing July 1, 1879, $79,843,663.61; estimated receipts for the remaining three quarters of the year, $208,156,336.39; total receipts for the current fiscal year, actual and estimated, $288,000,000.

The expenditures for the same period will be, actual and estimated, as follows: For the quarter commencing July 1, 1879, actual expenditures, $91,683,385.10; and for the remaining three quarters of the year the expenditures are estimated at $172,316,614.90, making the total expenditures $264,000,000, and leaving an estimated surplus revenue for the year ending June 30, 1880, of $24,000,000. The total receipts during the next fiscal year, ending June 30, 1881, estimated according to existing laws, will be $288,000,000, and the estimated ordinary expenditures for the same period will be $278,097,364.39, leaving a surplus of $9,902,635.61 for that year.

The large amount expended for arrears of pensions during the last and the present fiscal year, amounting to $21,747,249.60, has prevented the application of the full amount required by law to the sinking fund for the current year; but these arrears having been substantially paid, it is believed that the sinking fund can hereafter be maintained without any change of existing law.

The Secretary of War reports that the War Department estimates for the fiscal year ending June 30, 1881, are $40,380,428.93, the same being for a less sum of money than any annual estimate rendered to Congress from that Department during a period of at least twelve years.

He concurs with the General of the Army in recommending such legislation as will authorize the enlistment of the full number of 25,000 men for the line of the Army, exclusive of the 3,463 men required for detached duty, and therefore not available for service in the field.

He also recommends that Congress be asked to provide by law for the disposition of a large number of abandoned military posts and reservations, which, though very valuable in themselves, have been rendered useless for military purposes by the advance of civilization and settlement.

He unites with the Quartermaster-General in recommending that an appropriation be made for the construction of a cheap and perfectly fireproof building for the safe storage of a vast amount of money accounts, vouchers, claims, and other valuable records now in the Quartermaster-General's Office, and exposed to great risk of total destruction by fire.

He also recommends, in conformity with the views of the Judge-Advocate-General, some declaratory legislation in reference to the military statute of limitations as applied to the crime of desertion.

In these several recommendations I concur.

The Secretary of War further reports that the work for the improvement of the South Pass of the Mississippi River, under contract with Mr. James B. Eads, made in pursuance of an act of Congress, has been prosecuted during the past year with a greater measure of success in the attainment of results than during any previous year. The channel through the South Pass, which at the beginning of operations in June, 1875, had a depth of only 7½ feet of water, had on the 8th of July, 1879, a minimum depth of 26 feet, having a width of not less than 200 feet and a central depth of 30 feet. Payments have been made in accordance with the statute, as the work progressed, amounting in the aggregate to $4,250,000; and further payments will become due, as provided by the statute, in the event of success in maintaining the channel now secured.

The reports of the General of the Army and of his subordinates present a full and detailed account of the military operations for the suppression of hostilities among the Indians of the Ute and Apache tribes, and praise is justly awarded to the officers and troops engaged for promptness, skill, and courage displayed.

The past year has been one of almost unbroken peace and quiet on the Mexican frontier, and there is reason to believe that the efforts of this Government and of Mexico to maintain order in that region will prove permanently successful.

This Department was enabled during the past year to find temporary, though crowded, accommodations and a safe depository for a portion of its records in the completed east wing of the building designed for the State, War, and Navy Departments. The construction of the north wing of the building, a part of the structure intended for the use of the War Department, is being carried forward with all possible dispatch, and the work should receive from Congress such liberal appropriations as will secure its speedy completion.

The report of the Secretary of the Navy shows continued improvement in that branch of the service during the last fiscal year. Extensive repairs have been made upon vessels, and two new ships have been completed and made ready for sea.

The total expenditures of the year ended June 30, 1879, including specific appropriations not estimated for by the Department, were $13,555,710.09. The expenses chargeable to the year, after deducting the amount of these specific appropriations, were $13,343,317.79; but this is subject to a reduction of $283,725.99, that amount having been drawn upon warrants, but not paid out during the year. The amount of appropriations applicable to the last fiscal year was $14,538,646.17. There was, therefore, a balance of $1,479,054.37 remaining unexpended and to the credit of the Department on June 30, 1879. The estimates for the fiscal year ending June 30, 1881, are $14,864,147.95, which exceeds the appropriations for the present fiscal year $361,897.28. The reason for this increase is explained in the Secretary's report. The appropriations available for the present fiscal year are $14,502,250.67, which will, in the opinion of the Secretary, answer all the ordinary demands of the service. The amount drawn from the Treasury from July 1 to November 1, 1879 was $5,770,404.12, of which $1,095,440.33 has been refunded, leaving as the expenditure for that period $4,674,963.79. If the expenditures of the remaining two-thirds of the year do not exceed the proportion for these four months, there will remain unexpended at the end of the year $477,359.30 of the current appropriations. The report of the Secretary shows the gratifying fact that among all the disbursing officers of the Pay Corps of the Navy there is not one who is a defaulter to the extent of a single dollar. I unite with him in recommending the removal of the observatory to a more healthful location. That institution reflects credit upon the nation, and has obtained the approbation of scientific men in all parts of the world. Its removal from its present location would not only be conducive to the health of its officers and professors, but would greatly increase its usefulness.

The appropriation for judicial expenses, which has heretofore been made for the Department of Justice in gross, was subdivided at the last session of Congress, and no appropriation whatever was made for the payment of the fees of marshals and their deputies, either in the service of process or for the discharge of other duties; and since June 30 these officers have continued the performance of their duties without compensation from the Government, taking upon themselves the necessary incidental outlays, as well as rendering their own services. In only a few unavoidable instances has the proper execution of the process of the United States failed by reason of the absence of the requisite appropriation. This course of official conduct on the part of these officers, highly creditable to their fidelity, was advised by the Attorney-General, who informed them, however, that they would necessarily have to rely for their compensation upon the prospect of future legislation by Congress. I therefore especially recommend that immediate appropriation be made by Congress for this purpose.

The act making the principal appropriation for the Department of Justice at previous sessions has uniformly contained the following clause:

> And for defraying the expenses which may be incurred in the enforcement of the act approved February 28, 1871, entitled "An act to amend an act approved May 31, 1870, entitled 'An act to enforce the rights of citizens of the United States to vote in the several States of this Union, and for other purposes,'" or any acts amendatory thereof or supplementary thereto.

No appropriation was made for this purpose for the current year. As no general election for Members of Congress occurred, the omission was a matter of little practical importance. Such election will, however, take place during the ensuing year, and the appropriation made for the pay of marshals and deputies should be sufficient to embrace compensation for the services they may be required to perform at such elections.

The business of the Supreme Court is at present largely in arrears. It can not be expected that more causes can be decided than are now disposed of in its annual session, or that by any assiduity the distinguished magistrates who compose the court can accomplish more than is now done. In the courts of many of the circuits also the business has increased to such an extent that the delay of justice will call the attention of Congress to an appropriate remedy. It is believed that all is done in each circuit which can fairly be expected from its judicial force. The evils arising from delay are less heavily felt by the United States than by private suitors, as its causes are advanced by the courts when it is seen that they involve the discussion of questions of a public character.

The remedy suggested by the Attorney-General is the appointment of additional circuit judges and the creation of an intermediate court of errors and appeals, which shall relieve the Supreme Court of a part of its jurisdiction, while a larger force is also obtained for the performance of circuit duties.

I commend this suggestion to the consideration of Congress. It would seem to afford a complete remedy, and would involve, if ten additional circuit judges are appointed, an expenditure, at the present rate of salaries, of not more than $60,000 a year, which would certainly be small in comparison with the objects to be attained.

The report of the Postmaster-General bears testimony to the general revival of business throughout the country. The receipts of the Post-Office Department for the fiscal year ended June 30, 1879, were $30,041,982.86, being $764,465.91 more than the revenues of the preceding year. The amount realized from the sale of postage stamps, stamped envelopes, and postal cards was $764,465.91 more than in the preceding year, and

$2,387,559.23 more than in 1877. The expenditures of the Department were $33,449,899.45, of which the sum of $376,461.63 was paid on liabilities incurred in preceding years.

The expenditures during the year were $801,209.77 less than in the preceding year. This reduction is to be attributed mainly to the operation of the law passed June 17, 1878, changing the compensation of postmasters from a commission on the value of stamps sold to a commission on stamps canceled.

The amount drawn from the Treasury on appropriations, in addition to the revenues of the Department, was $3,031,454.96, being $2,276,197.86 less than in the preceding year.

The expenditures for the fiscal year ending June 30, 1881, are estimated at $39,920,900 and the receipts from all sources at $32,210,000, leaving a deficiency to be appropriated for out of the Treasury of $7,710,900.

The relations of the Department with railroad companies have been harmonized, notwithstanding the general reduction by Congress of their compensation by the appropriation for special facilities, and the railway post-office lines have been greatly extended, especially in the Southern States. The interests of the Railway Mail Service and of the public would be greatly promoted and the expenditures could be more readily controlled by the classification of the employees of the Railway Mail Service as recommended by the Postmaster-General, the appropriation for salaries, with respect to which the maximum limit is already fixed by law, to be made in gross.

The Postmaster-General recommends an amendment of the law regulating the increase of compensation for increased service and increased speed on star routes, so as to enable him to advertise for proposals for such increased service and speed. He also suggests the advantages to accrue to the commerce of the country from the enactment of a general law authorizing contracts with American-built steamers, carrying the American flag, for transporting the mail between ports of the United States and ports of the West Indies and South America, at a fixed maximum price per mile, the amount to be expended being regulated by annual appropriations, in like manner with the amount paid for the domestic star service.

The arrangement made by the Postmaster-General and the Secretary of the Treasury for the collection of duty upon books received in the mail from foreign countries has proved so satisfactory in its practical operation that the recommendation is now made that Congress shall extend the provisions of the act of March 3, 1879, under which this arrangement was made, so as to apply to all other dutiable articles received in the mails from foreign countries.

The reports of the Secretary of the Interior and of the Commissioner of Indian Affairs, setting forth the present state of our relations with the Indian tribes on our territory, the measures taken to advance their civilization and prosperity, and the progress already achieved by them, will be found of more than ordinary interest. The general conduct of our Indian population has been so satisfactory that the occurrence of two disturbances, which resulted in bloodshed and destruction of property, is all the more to be lamented.

The history of the outbreak on the White River Ute Reservation, in western Colorado, has become so familiar by elaborate reports in the public press that its remarkable incidents need not be stated here in detail. It is expected that the settlement of this difficulty will lead to such arrangements as will prevent further hostile contact between the Indians and the border settlements in western Colorado.

The other disturbance occurred at the Mescalero Agency, in New Mexico, where Victoria, at the head of a small band of marauders, after committing many atrocities, being vigorously chased by a military force, made his way across the Mexican border and is now on foreign soil.

While these occurrences, in which a conparatively small number of Indians were engaged, are most deplorable, a vast majority of our Indian population have fully justified the expectations of those who believe that by humane and peaceful influences the Indian can be led to abandon the habits of savage life and to develop a capacity for useful and civilized occupations. What they have already accomplished in the pursuit of agricultural and mechanical work, the remarkable success which has attended the experiment of employing as freighters a class of Indians hitherto counted among the wildest and most intractable, and the general and urgent desire expressed by them for the education of their children may be taken as sufficient proof that they will be found capable of accomplishing much more if they continue to be wisely and fairly guided. The "Indian policy" sketched in the report of the Secretary of the Interior, the object of which is to make liberal provision for the education of Indian youth, to settle the Indians upon farm lots in severalty, to give them title in fee to their farms, inalienable for a certain number of years, and when their wants are thus provided for to dispose by sale of the lands on their reservations not occupied and used by them, a fund to be formed out of the proceeds for the benefit of the Indians, which will gradually relieve the Government of the expenses now provided for by annual appropriations, must commend itself as just and beneficial to the Indians, and as also calculated to remove those obstructions which the existence of large reservations presents to the settlement and development of the country. I therefore earnestly recommend the enactment of a law enabling the Government to give Indians a title in fee, inalienable for twenty-five years, to the farm lands assigned to them by allotment. I also repeat the recommendation made in my first annual message, that a law be passed admitting Indians who can give satisfactory proof of having by their own labor supported their families for a number of years, and who are willing to detach themselves from their tribal relations, to the benefit of the homestead act, and to grant them patents containing the same provision of inalienability for a certain period.

The experiment of sending a number of Indian children of both sexes to the Hampton Normal and Agricultural Institute, in Virginia, to receive an elementary English education and practical instruction in farming and other useful industries, has led to results so promising that it was thought expedient to turn over the cavalry barracks at Carlisle, in Pennsylvania, to the Interior Department for the establishment of an Indian school on a larger scale. This school has now 158 pupils, selected from various tribes, and is in full operation. Arrangements are also made for the education of a number of Indian boys and girls belonging to tribes on the Pacific Slope in a similar manner, at Forest Grove, in Oregon. These institutions will commend themselves to the liberality of Congress and to the philanthropic munificence of the American people.

Last spring information was received of the organization of an extensive movement in the Western States, the object of which was the occupation by unauthorized persons of certain lands in the Indian Territory ceded by the Cherokees to the Government for the purpose of settlement by other Indian tribes.

On the 26th of April I issued a proclamation* warning all persons against participation in such an attempt, and by the cooperation of a military force the invasion was promptly checked. It is my purpose to protect the rights of the Indian inhabitants of that Territory to the full extent of the executive power; but it would be unwise to ignore the fact that a territory so large and so fertile, with a population so sparse and with so great a wealth of unused resources, will be found more exposed to the repetition of such attempts as happened this year when the surrounding States are more densely settled and the westward movement of our population looks still more eagerly for fresh lands to occupy. Under such circumstances the difficulty of maintaining the Indian Territory in its present state will greatly increase, and the Indian tribes inhabiting it would do well to prepare for such a contingency. I therefore fully approve of the advice given to them by the Secretary of the Interior on a recent occasion, to divide among themselves in severalty as large a quantity of their lands as they can cultivate; to acquire individual title in fee instead of their present tribal ownership in common, and to consider in what manner the balance of their lands may be disposed of by the Government for their benefit. By adopting such a policy they would more certainly secure for themselves the value of their possessions, and at the same time promote their progress in civilization and prosperity, than by endeavoring to perpetuate the present state of things in the Territory.

The question whether a change in the control of the Indian service should be made was in the Forty-fifth Congress referred to a joint committee of both Houses for inquiry and report. In my last annual message

---

*See pp. 4499-4500.

I expressed the hope that the decision of that question, then in prospect, would "arrest further agitation of this subject, such agitation being apt to produce a disturbing effect upon the service as well as on the Indians themselves." Since then, the committee having reported, the question has been decided in the negative by a vote in the House of Representatives.

For the reasons here stated, and in view of the fact that further uncertainty on this point will be calculated to obstruct other much-needed legislation, to weaken the discipline of the service, and to unsettle salutary measures now in progress for the government and improvement of the Indians, I respectfully recommend that the decision arrived at by Congress at its last session be permitted to stand.

The efforts made by the Department of the Interior to arrest the depredations on the timber lands of the United States have been continued, and have met with considerable success. A large number of cases of trespass have been prosecuted in the courts of the United States; others have been settled, the trespassers offering to make payment to the Government for the value of the timber taken by them. The proceeds of these prosecutions and settlements turned into the Treasury far exceed in amount the sums appropriated by Congress for this purpose. A more important result, however, consists in the fact that the destruction of our public forests by depredation, although such cases still occur, has been greatly reduced in extent, and it is probable that if the present policy is vigorously pursued and sufficient provision to that end is made by Congress such trespasses, at least those on a large scale, can be entirely suppressed, except in the Territories, where timber for the daily requirements of the population can not, under the present state of the law, be otherwise obtained. I therefore earnestly invite the attention of Congress to the recommendation made by the Secretary of the Interior, that a law be enacted enabling the Government to sell timber from the public lands without conveying the fee, where such lands are principally valuable for the timber thereon, such sales to be so regulated as to conform to domestic wants and business requirements, while at the same time guarding against a sweeping destruction of the forests. The enactment of such a law appears to become a more pressing necessity every day.

My recommendations in former messages are renewed in favor of enlarging the facilities of the Department of Agriculture. Agriculture is the leading interest and the permanent industry of our people. It is to the abundance of agricultural production, as compared with our home consumption, and the largely increased and highly profitable market abroad which we have enjoyed in recent years, that we are mainly indebted for our present prosperity as a people. We must look for its continued maintenance to the same substantial resource. There is no branch of industry in which labor, directed by scientific knowledge, yields such increased production in comparison with unskilled labor, and no branch of the public service to which the encouragement of liberal appropriations can be more appropriately extended. The omission to render such aid is not a wise economy, but, on the contrary, undoubtedly results in losses of immense sums annually that might be saved through well-directed efforts by the Government to promote this vital interest.

The results already accomplished with the very limited means heretofore placed at the command of the Department of Agriculture is an earnest of what may be expected with increased appropriations for the several purposes indicated in the report of the Commissioner, with a view to placing the Department upon a footing which will enable it to prosecute more effectively the objects for which it is established.

Appropriations are needed for a more complete laboratory, for the establishment of a veterinary division and a division of forestry, and for an increase of force.

The requirements for these and other purposes, indicated in the report of the Commissioner under the head of the immediate necessities of the Department, will not involve any expenditure of money that the country can not with propriety now undertake in the interests of agriculture.

It is gratifying to learn from the Bureau of Education the extent to which educational privileges throughout the United States have been advanced during the year. No more fundamental responsibility rests upon Congress than that of devising appropriate measures of financial aid to education, supplemental to local action in the States and Territories and in the District of Columbia. The wise forethought of the founders of our Government has not only furnished the basis for the support of the common-school systems of the newer States, but laid the foundations for the maintenance of their universities and colleges of agriculture and the mechanic arts. Measures in accordance with this traditional policy, for the further benefit of all these interests and the extension of the same advantages to every portion of the country, it is hoped will receive your favorable consideration.

To preserve and perpetuate the national literature should be among the foremost cares of the National Legislature. The library gathered at the Capitol still remains unprovided with any suitable accommodations for its rapidly increasing stores. The magnitude and importance of the collection, increased as it is by the deposits made under the law of copyright, by domestic and foreign exchanges, and by the scientific library of the Smithsonian Institution, call for building accommodations which shall be at once adequate and fireproof. The location of such a public building, which should provide for the pressing necessities of the present and for the vast increase of the nation's books in the future, is a matter which addresses itself to the discretion of Congress. It is earnestly recommended as a measure which should unite all suffrages and which should no longer be delayed.

The joint commission created by the act of Congress of August 2, 1876, for the purpose of supervising and directing the completion of the

Washington National Monument, of which commission the President is a member, has given careful attention to this subject, and already the strengthening of the foundation has so far progressed as to insure the entire success of this part of the work. A massive layer of masonry has been introduced below the original foundation, widening the base, increasing the stability of the structure, and rendering it possible to carry the shaft to completion. It is earnestly recommended that such further appropriations be made for the continued prosecution of the work as may be necessary for the completion of this national monument at an early day.

In former messages, impressed with the importance of the subject, I have taken occasion to commend to Congress the adoption of a generous policy toward the District of Columbia. The report of the Commissioners of the District, herewith transmitted, contains suggestions and recommendations, to all of which I earnestly invite your careful attention. I ask your early and favorable consideration of the views which they express as to the urgent need of legislation for the reclamation of the marshes of the Potomac and its Eastern Branch within the limits of the city, and for the repair of the streets of the capital, heretofore laid with wooden blocks and now by decay rendered almost impassable and a source of imminent danger to the health of its citizens. The means at the disposal of the Commissioners are wholly inadequate for the accomplishment of these important works, and should be supplemented by timely appropriations from the Federal Treasury.

The filling of the flats in front of the city will add to the adjacent lands and parks now owned by the United States a large and valuable domain, sufficient, it is thought, to reimburse its entire cost, and will also, as an incidental result, secure the permanent improvement of the river for the purposes of navigation.

The Constitution having invested Congress with supreme and exclusive jurisdiction over the District of Columbia, its citizens must of necessity look to Congress alone for all needful legislation affecting their interests; and as the territory of this District is the common property of the people of the United States, who equally with its resident citizens are interested in the prosperity of their capital, I can not doubt that you will be amply sustained by the general voice of the country in any measures you may adopt for this purpose.

I also invite the favorable consideration of Congress to the wants of the public schools of this District, as exhibited in the report of the Commissioners. While the number of pupils is rapidly increasing, no adequate provision exists for a corresponding increase of school accommodation, and the Commissioners are without the means to meet this urgent need. A number of the buildings now used for school purposes are rented, and are in important particulars unsuited for the purpose. The cause of popular education in the District of Columbia is surely entitled to the same consideration at the hands of the National Government as in the several States and Territories, to which munificent grants of the public lands have been made for the endowment of schools and universities.

RUTHERFORD B. HAYES.

SPECIAL MESSAGES.

EXECUTIVE MANSION, *December 19, 1879.*

To the Senate and House of Representatives:

I have the honor to transmit herewith a draft of a bill submitted by the Board of Commissioners of the District of Columbia, entitled "A bill to provide for the reclamation of the marshes in the harbors of the cities of Washington and Georgetown, and for other purposes," together with the accompanying letter of the president of the board requesting its transmission to Congress.

The bill embraces a plan for the reclamation of the marshes of the Potomac River and its Eastern Branch within the limits of the city of Washington, and is carefully framed with a view to economy in the prosecution of the work. The attention of Congress is again invited to the urgent need of legislation for this important work, which has been so long delayed.

The improvement contemplated is essential to the health of those who reside, whether permanently or temporarily, at the capital, and to the safe and convenient navigation of the waters in its vicinity by vessels employed in the service of the Government and for the purposes of commerce. It is a measure of more than local benefit. The capital of the nation should be relieved from every disadvantage which it is practicable to remove, and should possess every attraction with which it can be invested by the intelligent and fostering care of those who are intrusted with its immediate supervision. The people of the country will sustain and approve the efforts of their representatives in the discharge of this responsibility.

R. B. HAYES.

EXECUTIVE MANSION, *January 7, 1880.*

To the Senate of the United States:

In reply to a resolution of the Senate of December 3, 1879, requesting the President of the United States to inform the Senate whether payments have been made to the Ute Indians in accordance with the fourth article of an agreement made with said Indians September 3, 1873, I transmit herewith a letter from the Secretary of the Interior and accompanying papers.

R. B. HAYES.

WASHINGTON, *January 12, 1880.*

To the House of Representatives:

In answer to resolution of the House of Representatives of the 3d of December, 1879, relative to the consulate at Hongkong, I transmit herewith a report from the Secretary of State, with its accompanying papers.

R. B. HAYES.

EXECUTIVE MANSION, *January 14, 1880.*

To the House of Representatives:

I have the honor herewith to transmit the final report of the board for testing iron, steel, and other metals, with the accompanying papers. These papers constitute the remainder of the reports made by the board, which were transmitted by me to the House of Representatives on the 15th of June, 1878 (House Ex. Doc. No. 98, Forty-fifth Congress, second session).

The United States testing machine at Watertown Arsenal, constructed for the board, is reported as being of great value in the determination of data and the solution of problems of interest to the people of the whole country, and the special attention of Congress is called to the necessity of an appropriation to enable the War Department to make use of it. An estimate of $20,000 for the purpose was submitted to Congress in the last Book of Estimates (see p. 82), and an appropriation of that sum is respectfully recommended.

The act of July 31, 1876 (19 U. S. Statutes at Large, ch. 246, p. 119), made an appropriation for completing the experiments in testing iron, steel, and other metals, and provided that the board should be discontinued from and after the expenditure of the amount appropriated. In accordance with this legislation, the board ceased to exist on the 30th of June, 1879.

R. B. HAYES.

EXECUTIVE MANSION,
Washington, January 21, 1880.

To the Senate of the United States:

I transmit, for the consideration of the Senate with a view to ratification, a convention between the United States of America and the French Republic for the settlement of certain claims of the citizens of either country against the other.

R. B. HAYES.

EXECUTIVE MANSION, *January 26, 1880.*

To the House of Representatives:

In reply to the resolution of the House of Representatives of the 21st instant, requesting the Commissioner of Agriculture to furnish all information which he may have in his possession bearing upon the culture

EXTERMINATION OF CUSTER'S COMMAND—GRAVES ON THE BATTLEFIELD

THE CUSTER MASSACRE

Sitting Bull, an inveterate hater of the white man, led his tribe, the Sioux, into hostilities with the Government on the question of obeying the Government's order to move into a new reservation. Being notified that the army would compel obedience, the Sioux took position in the Bad Lands of Montana. Three columns Gibbon's, Crook's and Terry's moved upon him from east, west and south. Custer's regiment, the Seventh Cavalry, was part of Terry's column. On June 22, 1876, Custer broke away from the column and rode South so as to take the Sioux in rear and complete the circle. Striking the trail, Custer divided his command, sending one portion under Reno down the Little Big Horn to assail the camp from the West while he attacked from the South. Reno was attacked and had to stand on the defensive and was prevented from executing his part of the plan. Custer, with about 200 men, charged the Sioux, who numbered 2,400, was encircled by the Indians, and fought until every man but one was dead. That one, a scout, wrapped himself in a Sioux blanket and escaped. Custer's body was spared from mutilation by the Indians, a remarkable evidence of respect.

See the articles, "Indian Tribes, Sioux," and "Custer Massacre," in the Encyclopedic Index.

of the sugar beet, etc., the accompanying letter and report, received from the Acting Commissioner of Agriculture for this purpose, are herewith transmitted.

R. B. HAYES.

EXECUTIVE MANSION, *February 5, 1880.*

To the House of Representatives:

In reply to a resolution of the House of Representatives of the 3d instant, requesting the Commissioner of Agriculture to forward any facts or statistics in his office on the subject of forestry not heretofore published from his Department, the following report, received from the Commissioner, upon this subject is hereby transmitted.

R. B. HAYES.

WASHINGTON, *February 16, 1880.*

To the House of Representatives of the United States:

In compliance with the resolution of the House of Representatives of the 5th instant, calling for any information which I may have received of the proceedings of the International Polar Congress convened in Hamburg, Germany, October 1, 1879, I transmit herewith a report from the Secretary of State on the subject.

R. B. HAYES.

WASHINGTON, *February 16, 1880.*

To the Senate of the United States:

In compliance with the resolution of the Senate of the 19th of January, 1880, calling for information in relation to claims before the American-Spanish Claims Commission and the proceedings of the commission, I transmit herewith a report from the Secretary of State upon the subject.

R. B. HAYES.

EXECUTIVE MANSION, *February 24, 1880.*

To the House of Representatives:

I herewith transmit a communication from the Attorney-General, with reference to the requisite appropriation for the current fiscal year for the compensation of the marshals of the United States, including their reimbursement for necessary expenditures in the discharge of their official duties.

R. B. HAYES.

EXECUTIVE MANSION, *February 25, 1880.*

To the Senate and House of Representatives:

I have the honor to transmit herewith a preliminary report and a draft of a bill submitted by the Public Lands Commission authorized by the act of Congress approved March 3, 1879.

The object of the report and of the bill accompanying it is of such importance that I respectfully commend it to the prompt and earnest consideration of Congress.

R. B. HAYES.

WASHINGTON, *February 27, 1880.*

To the Senate of the United States:

In answer to the resolution of the Senate of the 27th ultimo, I transmit herewith a report from the Secretary of State, with its papers, relating to the claim of Max. Bromberger against the Government of Mexico.

R. B. HAYES.

WASHINGTON, *February 27, 1880.*

To the Senate of the United States:

I transmit herewith to the Senate, for its consideration with a view to ratification, a treaty between the Government of the United States and His Highness Sultan Abdallah, King of Johanna, concerning commercial intercourse with that independent East African island, concluded at Johanna Town on the 4th day of October, 1879.

For your better understanding of the subject, I transmit also the correspondence of Commodore Shufeldt with the Navy Department, which accompanied the treaty, describing the condition and resources of the island of Johanna and narrating the progress of the negotiation, which was undertaken under the general instructions of the Department of State.

R. B. HAYES.

WASHINGTON, *March 1, 1880.*

To the Senate and House of Representatives:

I deem it proper to invite the attention of Congress to the subject of the unsettled claims of Spanish inhabitants of East Florida during the years of 1812 and 1813, generally known as the "East Florida claims," the settlement of which is provided for by a stipulation found in Article IX of the treaty of February, 1819, between the United States and Spain. The provision of the treaty in question which relates to the subject is the following:

> The United States will cause satisfaction to be made for the injuries, if any, which by process of law shall be established to have been suffered by the Spanish officers and individual Spanish inhabitants by the late operations of the American army in Florida.

The act of Congress of the 3d of March, 1823 (3 U. S. Statutes at Large, p. 768), to carry into effect the ninth article of the treaty in question, provided for the examination and judicial ascertainment of the claims by the judges of the superior courts established at St. Augustine and Pensacola, and also made provision for the payment by the

Secretary of the Treasury of such claims as might be reported to him by the said judges, upon his being satisfied that such claims were just and equitable; and a subsequent act, approved the 26th of June, 1834 (6 U. S. Statutes at Large, p. 569), gave further directions for the payment, and also provided for the hearing and determination by the judge of the superior court of St. Augustine of such claims as had not then been already heard and determined. Under these acts of Congress I understand that all claims presented to the judges in Florida were passed upon and the result of the proceedings thus had reported to the Secretary of the Treasury. It also appears that in the computation of damages the judges adopted a rule of 5 per cent per annum on the ascertained actual loss from the date of that loss to the time of the rendition of their finding, and that the Secretary of the Treasury in 1836, when the first reports were presented to him, not deeming this portion of the claims covered by the 5 per cent rule just and equitable within the meaning of the treaty and the acts of Congress, refused to pay it, but did continue to pay the ascertained amounts of actual loss. The demand for payment of this rejected item has been pressed at various times and in various ways up to the present time, but Mr. Woodbury's successors in the Treasury Department have not felt at liberty to review that ruling.

Under these circumstances I have thought it proper to lay the subject before Congress for its consideration and such action as may be deemed necessary. The history of the proceedings already had in regard to the matter is of record in the Treasury Department, and will be furnished by the Secretary of the Treasury should Congress desire it.

R. B. HAYES.

EXECUTIVE MANSION, *March 8, 1880*.

To the Senate:

I transmit herewith the report of the Secretary of State and the accompanying papers, in response to the resolution adopted by the Senate on the 11th day of February last, requesting copies of all correspondence between this Government and any foreign government since February, 1869, respecting a ship canal across the isthmus between North America and South America, together with copies of any *projet* of treaties respecting the same which the Department of State may have proposed or submitted since that date to any foreign power or its diplomatic representative.

In further compliance with the resolution of the Senate, I deem it proper to state briefly my opinion as to the policy of the United States with respect to the construction of an interoceanic canal by any route across the American Isthmus.

The policy of this country is a canal under American control. The United States can not consent to the surrender of this control to any

European power or to any combination of European powers. If existing treaties between the United States and other nations or if the rights of sovereignty or property of other nations stand in the way of this policy—a contingency which is not apprehended—suitable steps should be taken by just and liberal negotiations to promote and establish the American policy on this subject consistently with the rights of the nations to be affected by it.

The capital invested by corporations or citizens of other countries in such an enterprise must in a great degree look for protection to one or more of the great powers of the world. No European power can intervene for such protection without adopting measures on this continent which the United States would deem wholly inadmissible. If the protection of the United States is relied upon, the United States must exercise such control as will enable this country to protect its national interests and maintain the rights of those whose private capital is embarked in the work.

An interoceanic canal across the American Isthmus will essentially change the geographical relations between the Atlantic and Pacific coasts of the United States and between the United States and the rest of the world. It would be the great ocean thoroughfare between our Atlantic and our Pacific shores, and virtually a part of the coast line of the United States. Our merely commercial interest in it is greater than that of all other countries, while its relations to our power and prosperity as a nation, to our means of defense, our unity, peace, and safety, are matters of paramount concern to the people of the United States. No other great power would under similar circumstances fail to assert a rightful control over a work so closely and vitally affecting its interest and welfare.

Without urging further the grounds of my opinion, I repeat, in conclusion, that it is the right and the duty of the United States to assert and maintain such supervision and authority over any interoceanic canal across the isthmus that connects North and South America as will protect our national interests. This, I am quite sure, will be found not only compatible with but promotive of the widest and most permanent advantage to commerce and civilization.

RUTHERFORD B. HAYES.

[A similar message was sent to the House of Representatives, in answer to a resolution of that body of February 10.]

EXECUTIVE MANSION, *March 9, 1880.*

To the Senate and House of Representatives:

I have the honor to transmit herewith a report from the Secretary of the Interior, containing an agreement signed by the chiefs and headmen of the Ute Indians now present at the seat of Government. The stipulations of this agreement appear to me so reasonable and just and the object to be accomplished by its execution so eminently desirable to both the white people of the United States and the Indians that it has my cordial approval, and I earnestly commend it to Congress for favorable consideration and appropriate legislative action.

RUTHERFORD B. HAYES.

WASHINGTON, *March 9, 1880.*

To the Senate of the United States:

I transmit herewith to the Senate, for its consideration with a view to ratification, a convention between the United States and His Majesty the King of the Belgians, defining the rights, immunities, and privileges of consular officers, concluded this day at Washington.

R. B. HAYES.

EXECUTIVE MANSION, *March 11, 1880.*

To the House of Representatives:

I transmit herewith a report, dated on the 9th instant, from the Secretary of State, with the accompanying papers, in answer to a resolution of the House of Representatives of the 25th ultimo, requesting the President to transmit to that body, if not deemed incompatible with the public interest, copies of such dispatches as have recently been received by the Secretary of State from the consul-general at Shanghai upon the subject of slavery in China and those portions of the penal code of China which forbid expatriation.

R. B. HAYES.

WASHINGTON, *March 12, 1880.*

To the House of Representatives:

In answer to a resolution of the House of Representatives of March 2, 1880, requesting the Secretary of State to communicate to the House certain information in relation to the publication and circulation of commercial reports, I transmit herewith a report from the Secretary of State, with its accompanying papers.

R. B. HAYES.

WASHINGTON, *March 29, 1880.*

To the Senate of the United States:

In compliance with the resolution of the Senate of the 29th of January, 1880, calling for information in relation to the awards of the mixed commission organized under the provisions of the treaty of April 25, 1866, between the United States and Venezuela, I transmit herewith a report from the Secretary of State upon the subject.

R. B. HAYES.

WASHINGTON, *April 12, 1880.*

To the House of Representatives:

In response to the resolution of the House of Representatives of the 12th of February last, on the subject of negotiations concerning the immigration of Chinese to the United States, I transmit a report of the Secretary of State, to whom the matter was referred.

R. B. HAYES.

WASHINGTON, *April 15, 1880.*

To the Senate of the United States:

In response to the resolution of the Senate of the 27th of February last, concerning the action had by the Executive with respect to the investigation of certain cases in which awards were made by the late United States and Mexican Commission, I transmit herewith a report of the Secretary of State, to whom the matter was referred.

R. B. HAYES.

EXECUTIVE MANSION,
Washington, D. C., April 16, 1880.

To the House of Representatives:

The board for testing iron, steel, and other metals, appointed under the authority of "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1876, and for other purposes," contracted with Mr. A. H. Emery, of New York, for a testing machine, to be paid out of the appropriation made for the purpose. That machine has been completed and accepted, and is now in position at the Watertown Arsenal, Mass. It is spoken of by the members composing the late board as the most perfect and reliable machine in the world, embodying new mechanical principles and combinations not heretofore used in any other constructions.

In designing, perfecting, and making this machine the contractor has expended large sums of money over and above the contract price, besides giving years of labor, for which he has received no compensation. He now appeals to Congress for relief, and the papers herewith exhibit a case that calls for Congressional action. It is respectfully submitted to the House of Representatives, recommending speedy and favorable consideration.

R. B. HAYES.

EXECUTIVE MANSION, *April 22, 1880.*

To the Senate and House of Representatives:

I have the honor to inform Congress that Mr. J. Randolph Coolidge, Dr. Algernon Coolidge, Mr. Thomas Jefferson Coolidge, and Mrs. Ellen Dwight, of Massachusetts, the heirs of the late Joseph Coolidge, jr., desire to present to the United States the desk on which the Declaration of Independence was written. It bears the following inscription in the handwriting of Thomas Jefferson:

> Thomas Jefferson gives this writing desk to Joseph Coolidge, jr., as a memorial of his affection. It was made from a drawing of his own, by Ben. Randall, cabinetmaker of Philadelphia, with whom he first lodged on his arrival in that city in May, 1776, and is the identical one on which he wrote the Declaration of Independence.
>
> Politics, as well as religion, has its superstitions. These, gaining strength with time, may one day give imaginary value to this relic for its association with the birth of the great charter of our independence.
>
> MONTICELLO, *November 18, 1825*.

The desk was placed in my possession by Hon. Robert C. Winthrop, and is herewith transmitted to Congress with the letter of Mr. Winthrop expressing the wish of the donors "to offer it to the United States, so that it may henceforth have a place in the Department of State in connection with the immortal instrument which was written upon it in 1776."

I respectfully recommend that such action be taken by Congress as may be deemed appropriate with reference to a gift to the nation so precious in its history and for the memorable associations which belong to it.

RUTHERFORD B. HAYES.

WASHINGTON, D. C., *April 14, 1880*.

His Excellency RUTHERFORD B. HAYES,
President of the United States.

MY DEAR SIR: I have been privileged to bring with me from Boston, as a present to the United States, a very precious historical relic. It is the little desk on which Mr. Jefferson wrote the original draft of the Declaration of Independence.

This desk was given by Mr. Jefferson himself to my friend, the late Joseph Coolidge, of Boston, at the time of his marriage to Jefferson's granddaughter, Miss Randolph, and it bears an autograph inscription of singular interest, written by the illustrious author of the Declaration in the very last year of his life.

On the recent death of Mr. Coolidge, whose wife had died a year or two previously, the desk became the property of their children, Mr. J. Randolph Coolidge, Dr. Algernon Coolidge, Mr. Thomas Jefferson Coolidge, and Mrs. Ellen Dwight, who now desire to offer it to the United States, so that it may henceforth have a place in the Department of State in connection with the immortal instrument which was written upon it in 1776.

They have done me the honor to make me the medium of this distinguished gift, and I ask permission to place it in the hands of the Chief Magistrate of the nation in their name and at their request.

Believe me, dear Mr. President, with the highest respect, very faithfully, your obedient servant,

ROBT. C. WINTHROP.

WASHINGTON, *May 13, 1880*.

To the Senate of the United States:

I transmit herewith to the Senate, in response to their resolution of the 24th of March last, in relation to the fulfillment of the ninth article of the treaty of 1819 between the United States and Spain, a report of the Secretary of State on the correspondence asked for by the resolution, with its accompanying documents, and in connection therewith a previous report from the Secretary of State and an opinion of the Attorney-General on the subject of the East Florida claims.

R. B. HAYES.

WASHINGTON, *May 17, 1880.*

To the House of Representatives:

In compliance with the resolution of the House of Representatives of the 27th ultimo, calling for copies of the correspondence with the Government of Great Britain in regard to the alleged outrage upon American fishermen at Fortune Bay, in the Province of Newfoundland, I transmit herewith the correspondence called for and a report from the Secretary of State on the subject.

In transmitting this correspondence and the report I respectfully ask the immediate and careful attention of Congress to the failure of accord between the two Governments as to the interpretation and execution of the fishery articles of the treaty of Washington, as disclosed in this correspondence and elucidated by the exposition of the subject by the Secretary of State.

I concur in the opinions of this report as to the measures proper to be taken by this Government in maintenance of the rights accorded to our fishermen by the British concession of the treaty and in providing for suitable action toward securing an indemnity for the injury these interests have already suffered.

Accordingly, I recommend to Congress the adoption of these measures, with such attendant details of legislation as in the wisdom of Congress shall seem expedient.

R. B. HAYES.

[The same message was sent to the Senate, in answer to a resolution of that body of April 28.]

WASHINGTON, *May 24, 1880.*

To the Senate of the United States:

I submit to the Senate, for its consideration with a view to ratification, the accompanying convention for the extradition of criminals, concluded between the United States and the Government of His Majesty the King of the Netherlands on the 22d instant.

R. B. HAYES.

EXECUTIVE MANSION, *May 25, 1880.*

To the Senate and House of Representatives:

I have the honor to transmit herewith a communication from the Secretary of the Interior, with reference to the agreement made with the chiefs of the Ute Indians recently in Washington, a copy of which was submitted to Congress on the 9th of March last.

The special and immediate attention of Congress to the imminent danger attending the postponement of appropriate legislation to carry into effect the stipulations of this agreement is earnestly solicited.

R. B. HAYES.

EXECUTIVE MANSION, *June 5, 1880.*

To the Senate of the United States:

In response to a resolution of the Senate of the 31st ultimo, requesting the President "to communicate to the Senate whether any supervisor or supervisors of the census appointed by and with the advice and consent of the Senate have been removed from office by him or with his consent," etc., I transmit herewith a report from the Secretary of the Interior.

R. B. HAYES.

VETO MESSAGES.

EXECUTIVE MANSION, *May 4, 1880.*

To the House of Representatives:

After mature consideration of the bill entitled "An act making appropriations to supply certain deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1880, and for other purposes," I return it to the House of Representatives, in which it originated, with my objections to its passage.

The bill appropriates about $8,000,000, of which over $600,000 is for the payment of the fees of United States marshals and of the general and special deputy marshals earned during the current fiscal year, and their incidental expenses. The appropriations made in the bill are needed to carry on the operations of the Government and to fulfill its obligations for the payment of money long since due to its officers for services and expenses essential to the execution of their duties under the laws of the United States. The necessity for these appropriations is so urgent and they have been already so long delayed that if the bill before me contained no permanent or general legislation unconnected with these appropriations it would receive my prompt approval. It contains, however, provisions which materially change, and by implication repeal, important parts of the laws for the regulation of the United States elections. These laws have for several years past been the subject of vehement political controversy, and have been denounced as unnecessary, oppressive, and unconstitutional. On the other hand, it has been maintained with equal zeal and earnestness that the election laws are indispensable to fair and lawful elections, and are clearly warranted by the

Constitution. Under these circumstances, to attempt in an appropriation bill the modification or repeal of these laws is to annex a condition to the passage of needed and proper appropriations, which tends to deprive the Executive of that equal and independent exercise of discretion and judgment which the Constitution contemplates.

The objection to the bill, therefore, to which I respectfully ask your attention is that it gives a marked and deliberate sanction, attended by no circumstances of pressing necessity, to the questionable and, as I am clearly of opinion, the dangerous practice of tacking upon appropriation bills general and permanent legislation. This practice opens a wide door to hasty, inconsiderate, and sinister legislation. It invites attacks upon the independence and constitutional powers of the Executive by providing an easy and effective way of constraining Executive discretion. Although of late this practice has been resorted to by all political parties when clothed with power, it did not prevail until forty years after the adoption of the Constitution, and it is confidently believed that it is condemned by the enlightened judgment of the country. The States which have adopted new constitutions during the last quarter of a century have generally provided remedies for the evil. Many of them have enacted that no law shall contain more than one subject, which shall be plainly expressed in its title. The constitutions of more than half of the States contain substantially this provision, or some other of like intent and meaning. The public welfare will be promoted in many ways by a return to the early practice of the Government and to the true rule of legislation, which is that every measure should stand upon its own merits.

I am firmly convinced that appropriation bills ought not to contain any legislation not relevant to the application or expenditure of the money thereby appropriated, and that by a strict adherence to this principle an important and much needed reform will be accomplished.

Placing my objection to the bill on this feature of its frame, I forbear any comment upon the important general and permanent legislation which it contains, as matter for specific and independent consideration.

RUTHERFORD B. HAYES.

EXECUTIVE MANSION, *June 15, 1880.*

To the Senate of the United States:

After mature consideration of the bill entitled "An act regulating the pay and appointment of deputy marshals," I am constrained to withhold from it my approval, and to return it to the Senate, in which it originated, with my objections to its passage.

The laws now in force on the subject of the bill before me are contained in the following sections of the Revised Statutes:

> SEC. 2021. Whenever an election at which Representatives or Delegates in Congress are to be chosen is held in any city or town of 20,000 inhabitants or upward, the marshal for the district in which the city or town is situated shall, on the application

in writing of at least two citizens residing in such city or town, appoint special deputy marshals, whose duty it shall be, when required thereto, to aid and assist the supervisors of election in the verification of any list of persons who may have registered or voted; to attend in each election district or voting precinct at the times and places fixed for the registration of voters, and at all times or places when and where the registration may by law be scrutinized and the names of registered voters be marked for challenge; and also to attend, at all times for holding elections, the polls in such district or precinct.

SEC. 2022. The marshal and his general deputies, and such special deputies, shall keep the peace and support and protect the supervisors of election in the discharge of their duties, preserve order at such places of registration and at such polls, prevent fraudulent registration and fraudulent voting thereat, or fraudulent conduct on the part of any officer of election, and immediately, either at the place of registration or polling place, or elsewhere, and either before or after registering or voting, to arrest and take into custody, with or without process, any person who commits, or attempts or offers to commit, any of the acts or offenses prohibited herein, or who commits any offense against the laws of the United States; but no person shall be arrested without process for any offense not committed in the presence of the marshal or his general or special deputies, or either of them, or of the supervisors of election, or either of them; and for the purposes of arrest or the preservation of the peace the supervisors of election shall, in the absence of the marshal's deputies, or if required to assist such deputies, have the same duties and powers as deputy marshals; nor shall any person, on the day of such election, be arrested without process for any offense committed on the day of registration.

SEC. 2023. Whenever any arrest is made under any provision of this title, the person so arrested shall forthwith be brought before a commissioner, judge, or court of the United States for examination of the offenses alleged against him; and such commissioner, judge, or court shall proceed in respect thereto as authorized by law in case of crimes against the United States.

SEC. 2024. The marshal or his general deputies, or such special deputies as are thereto specially empowered by him in writing, and under his hand and seal, whenever he or either or any of them is forcibly resisted in executing their duties under this title, or shall by violence, threats, or menaces be prevented from executing such duties or from arresting any person who has committed any offense for which the marshal or his general or his special deputies are authorized to make such arrest, are, and each of them is, empowered to summon and call to his aid the bystanders or *posse comitatus* of his district.

SEC. 2028. No person shall be appointed a supervisor of election or a deputy marshal under the preceding provisions who is not at the time of his appointment a qualified voter of the city, town, county, parish, election district, or voting precinct in which his duties are to be performed.

SEC. 5521. If any person be appointed a supervisor of election or a special deputy marshal under the provisions of title "The elective franchise," and has taken the oath of office as such supervisor of election or such special deputy marshal, and thereafter neglects or refuses, without good and lawful excuse, to perform and discharge fully the duties, obligations, and requirements of such office until the expiration of the term for which he was appointed, he shall not only be subject to removal from office with loss of all pay or emoluments, but shall be punished by imprisonment for not less than six months nor more than one year, or by a fine of not less than $200 and not more than $500, or by both fine and imprisonment, and shall pay the costs of prosecution.

SEC. 5522. Every person, whether with or without any authority, power, or process, or pretended authority, power, or process, of any State, Territory, or municipality, who obstructs, hinders, assaults, or by bribery, solicitation, or otherwise interferes

> with or prevents the supervisors of election, or either of them, or the marshal or his general or special deputies, or either of them, in the performance of any duty required of them, or either of them, or which he or they, or either of them, may be authorized to perform by any law of the United States, in the execution of process or otherwise, or who by any of the means before mentioned hinders or prevents the free attendance and presence at such places of registration, or at such polls of election, or full and free access and egress to and from any such place of registration or poll of election, or in going to and from any such place of registration or poll of election, or to and from any room where any such registration or election or canvass of votes, or of making any returns or certificates thereof, may be had, or who molests, interferes with, removes, or ejects from any such place of registration or poll of election, or of canvassing votes cast thereat, or of making returns or certificates thereof, any supervisor of election, the marshal or his general or special deputies, or either of them, or who threatens, or attempts or offers so to do, or refuses or neglects to aid and assist any supervisor of election, or the marshal or his general or special deputies, or either of them, in the performance of his or their duties, when required by him or them, or either of them, to give such aid and assistance, shall be liable to instant arrest without process, and shall be punished by imprisonment not more than two years, or by a fine of not more than $3,000, or by both such fine and imprisonment, and shall pay the cost of the prosecution.

The Supreme Court of the United States, in the recent case of *Ex parte* Siebold and others, decided at the October term, 1879, on the question raised in the case as to the constitutionality of the sections of the Revised Statutes above quoted, uses the following language:

> These portions of the Revised Statutes are taken from the act commonly known as the enforcement act, approved May 31, 1870, and entitled "An act to enforce the right of citizens of the United States to vote in the several States of this Union, and for other purposes," and from the supplement to that act, approved February 28, 1871. They relate to elections of members of the House of Representatives, and were an assertion on the part of Congress of a power to pass laws for regulating and superintending said elections and for securing the purity thereof and the rights of citizens to vote thereat peaceably and without molestation.
>
> It must be conceded to be a most important power, and of a fundamental character. In the light of recent history and of the violence, fraud, corruption, and irregularity which have frequently prevailed at such elections, it may easily be conceived that the exertion of the power, if it exists, may be necessary to the stability of our form of government.
>
> The greatest difficulty in coming to a just conclusion arises from mistaken notions with regard to the relations which subsist between the State and National Governments. * * *
>
> It seems to be often overlooked that a national constitution has been adopted in this country, establishing a real government therein, operating upon persons and territory and things, and which, moreover, is, or should be, as dear to every American citizen as his State government is. Whenever the true conception of the nature of this Government is once conceded, no real difficulty will arise in the just interpretation of its powers; but if we allow ourselves to regard it as a hostile organization, opposed to the proper sovereignty and dignity of the State governments, we shall continue to be vexed with difficulties as to its jurisdiction and authority. No greater jealousy is required to be exercised toward this Government in reference to the preservation of our liberties than is proper to be exercised toward the State governments. Its powers are limited in number and clearly defined, and its action within the scope of those powers is restrained by a sufficiently rigid bill of rights for the protection of

> its citizens from oppression. The true interests of the people of this country require that both the National and State Governments should be allowed, without jealous interference on either side, to exercise all the powers which respectively belong to them according to a fair and practical construction of the Constitution. State rights and the rights of the United States should be equally respected. Both are essential to the preservation of our liberties and the perpetuity of our institutions. But in endeavoring to vindicate the one we should not allow our zeal to nullify or impair the other. * * *
>
> The true doctrine, as we conceive, is this, that while the States are really sovereign as to all matters which have not been granted to the jurisdiction and control of the United States, the Constitution and constitutional laws of the latter are, as we have already said, the supreme law of the land, and when they conflict with the laws of the States they are of paramount authority and obligation. This is the fundamental principle on which the authority of the Constitution is based, and unless it be conceded in practice as well as theory the fabric of our institutions, as it was contemplated by its founders, can not stand. The questions involved have respect not more to the autonomy and existence of the States than to the continued existence of the United States as a government to which every American citizen may look for security and protection in every part of the land. * * *
>
> Why do we have marshals at all if they can not physically lay their hands on persons and things in the performance of their proper duties? What functions can they perform if they can not use force? In executing the process of the courts must they call on the nearest constable for protection? Must they rely on him to use the requisite compulsion and to keep the peace while they are soliciting and entreating the parties and bystanders to allow the law to take its course? This is the necessary consequence of the positions that are assumed. If we indulge in such impracticable views as these, and keep on refining and re-refining, we shall drive the National Government out of the United States and relegate it to the District of Columbia, or perhaps to some foreign soil. We shall bring it back to a condition of greater helplessness than that of the old Confederation.
>
> The argument is based on a strained and impracticable view of the nature and powers of the National Government. It must execute its powers or it is no government. It must execute them on the land as well as on the sea, on things as well as on persons. And to do this it must necessarily have power to command obedience, preserve order, and keep the peace; and no person or power in this land has the right to resist or question its authority so long as it keeps within the bounds of its jurisdiction.

I have deemed it fitting and proper to quote thus largely from an important and elaborate opinion of the Supreme Court because the bill before me proceeds upon a construction of the Constitution as to the powers of the National Government which is in direct conflict with the judgment of the highest judicial tribunal of our country.

Under the sections of the present law above quoted officers of the United States are authorized, and it is their duty in the case of Congressional elections, to keep the peace at the polls and at the places of registration; to arrest immediately any person who is guilty of crimes against the United States election laws; to protect all officers of elections in the performance of their duties; and whenever an arrest is made to bring the person so arrested before a commissioner, judge, or court of the United States for examination of the offenses alleged against him. "Such special deputy marshals as are specially empowered thereto by the marshal in writing,'' if forcibly resisted, may call to their aid the bystanders or *posse comitatus.* It is made a crime punishable with fine or imprisonment to hinder, assault, or otherwise interfere with the marshal or ''his special deputies,'' or to threaten or to attempt so to do. If any person appointed such special deputy marshal has taken the oath of office and thereafter neglects or refuses to fully discharge the duties of such office, he is punishable not only by removal from office, but by fine and imprisonment. The functions of the special deputy marshals now provided for by law being executive, they are placed under the authority of the well-known chief executive officer of the courts of the United States. They are in fact, and not merely in name, the deputies of the marshal, and he and his bondsmen are responsible for them. A civil force for the execution of the law is thus instituted in accordance with long-established and familiar usage, which is simple, effective, and under a responsible head. The necessity for the possession of these powers by appropriate officers will not be called in question by intelligent citizens who appreciate the importance of peaceable, orderly, and lawful elections. Similar powers are conferred and exercised under State laws with respect to State elections. The executive officers of the United States under the existing laws have no other or greater power to supervise and control the conduct of the Congressional elections than the State executive officers exercise in regard to State elections.

The bill before me changes completely the present law by substituting for the special deputy marshals of the existing statutes new officers hitherto unknown to the law, and who lack the power, responsibility, and protection which are essential to enable them to act efficiently as executive officers.

The bill under consideration is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passage of this act the pay of all deputy marshals for services in reference to any election shall be $5 for each day of actual service, and no more.

SEC. 2. That all deputy marshals to serve in reference to any election shall be appointed by the circuit court of the United States for the district in which such marshals are to perform their duties in each year; and the judges of the several circuit courts of the United States are hereby authorized to open their respective courts at any time for that purpose; and in case the circuit courts shall not be open for that purpose at least ten days prior to a registration, if there be one, or, if no registration be required, then at least ten days before such election, the judges of the district courts of the United States are hereby respectively authorized to cause their courts to be opened for the purpose of appointing such deputy marshals, who shall be appointed by the said district courts; and the officers so appointed shall be in equal numbers from the different political parties, and shall be well-known citizens, of good moral character, and actual residents of the voting precincts in which their duties are to be performed, and shall not be candidates for any office at such election; and all laws and parts of laws inconsistent with this act are hereby repealed: *Provided,* That the marshals of the United States for whom deputies shall be appointed by the court under this act shall not be liable for any of the acts of such deputies.

It will be observed that the deputy marshals proposed by the bill before me are distinctly different officers from the special deputies of the marshal, as such officers are now provided for in the statutes. This bill does not connect the new officers with the existing laws relating to special deputy marshals so as to invest the proposed deputy marshals with the same powers, to impose upon them the same duties, and to give them the same protection by means of the criminal laws. When new officers are created, distinct in character and appointed by different authority, although similar in name to officers already provided for, such officers are not held by similar responsibilities to the criminal law, do not possess the same powers, and are not similarly protected unless it is expressly so provided by legislation.

The so-called deputy marshals provided for in this bill will have no executive head. The marshal can neither appoint nor remove them. He can not control them, and he is not responsible for them. They will have no authority to call to their aid, if resisted, the *posse comitatus*. They are protected by no criminal statutes in the performance of their duties. An assault upon one of these deputies with the intent to prevent a lawful election will be no more than an ordinary assault upon any other citizen. They can not keep the peace. They can not make arrests when crimes are committed in their presence. Whatever powers they have are confined to the precincts in which they reside. Outside of the precincts for which they are appointed the deputy marshals of this bill can not keep the peace, make arrests, hold prisoners, take prisoners before a proper tribunal for hearing, nor perform any other duty. No oaths of office are required of them, and they give no bond. They have no superior who is responsible for them, and they are not punishable for neglect of duty or misconduct in office. In all these respects this bill makes a radical change between the powers of the United States officers at national elections and the powers uniformly possessed and exercised by State officers at State elections. This discrimination against the authority of the United States is a departure from the usage of the Government established by precedents beginning with the earliest statutes on the subject, and violates the true principles of the Constitution. The Supreme Court, in the decision already referred to, says:

> It is argued that the preservation of peace and good order in society is not within the powers confided to the Government of the United States, but belongs exclusively to the States. Here again we are met with the theory that the Government of the United States does not rest upon the soil and territory of the country. We think that this theory is founded on an entire misconception of the nature and powers of that Government. We hold it to be an incontrovertible principle that the Government of the United States may, by means of physical force, exercised through its official agents, execute on every foot of American soil the powers and functions that belong to it. This necessarily involves the power to command obedience to its laws, and hence the power to keep the peace to that extent.
>
> This power to enforce its laws and to execute its functions in all places does not derogate from the power of the State to execute its laws at the same time and in the

same places. The one does not exclude the other, except where both can not be executed at the same time. In that case the words of the Constitution itself show which is to yield. "This Constitution and all laws which shall be made in pursuance thereof * * * shall be the supreme law of the land."

In conclusion it is proper to say that no objection would be made to the appointment of officers to act with reference to the elections by the courts of the United States, and that I am in favor of appointing officers to supervise and protect the elections without regard to party; but the bill before me, while it recognizes the power and duty of the United States to provide officers to guard and scrutinize the Congressional elections, fails to adapt its provisions to the existing laws so as to secure efficient supervision and protection. It is therefore returned to the Senate, in which it originated, for that further consideration which is contemplated by the Constitution.

RUTHERFORD B. HAYES.

PROCLAMATIONS.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas it has become known to me that certain evil-disposed persons have within the territory and jurisdiction of the United States begun and set on foot preparations for an organized and forcible possession of and settlement upon the lands of what is known as the Indian Territory, west of the State of Arkansas, which Territory is designated, recognized, and described by the treaties and laws of the United States and by the executive authorities as Indian country, and as such is only subject to occupation by Indian tribes, officers of the Indian Department, military posts, and such persons as may be privileged to reside and trade therein under the intercourse laws of the United States; and

Whereas those laws provide for the removal of all persons residing and trading therein without express permission of the Indian Department and agents, and also of all persons whom such agents may deem to be improper persons to reside in the Indian country; and

Whereas, in aid and support of such organized movement, it has been represented that no further action will be taken by the Government to prevent persons from going into said territory and settling therein, but such representations are wholly without authority:

Now, therefore, for the purpose of properly protecting the interests of the Indian nations and tribes, as well as of the United States, in said Indian Territory, and of duly enforcing the laws governing the same, I, Rutherford B. Hayes, President of the United States, do admonish and warn all such persons so intending or preparing to remove upon said lands or into said Territory without permission of the proper agent of the Indian Department against any attempt to so remove or settle upon any of the lands of said Territory; and I do further warn and notify any and all such persons who may so offend that they will be speedily and immediately removed therefrom by the agent, according to the laws made and provided, and that no efforts will be spared to prevent the invasion of said Territory, rumors spread by evil-disposed persons to the contrary notwithstanding; and if necessary the aid and assistance of the military forces of the United States will be invoked to carry into proper execution the laws of the United States herein referred to.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 12th day of February, A. D. 1880, and of the Independence of the United States the one hundred and fourth.

R. B. HAYES.

By the President:

WM. M. EVARTS, *Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

At no period in their history since the United States became a nation has this people had so abundant and so universal reasons for joy and gratitude at the favor of Almighty God or been subject to so profound an obligation to give thanks for His loving kindness and humbly to implore His continued care and protection.

Health, wealth, and prosperity throughout all our borders; peace, honor, and friendship with all the world; firm and faithful adherence by the great body of our population to the principles of liberty and justice which have made our greatness as a nation, and to the wise institutions and strong frame of government and society which will perpetuate it—for all these let the thanks of a happy and united people, as with one voice, ascend in devout homage to the Giver of All Good.

I therefore recommend that on Thursday, the 25th day of November next, the people meet in their respective places of worship to make their acknowledgments to Almighty God for His bounties and His protection and to offer to Him prayers for their continuance.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 1st day of November, A. D. 1880, and of the Independence of the United States the one hundred and fifth.

R. B. HAYES

By the President:

WM. M. EVARTS, *Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas satisfactory evidence has been given to me by the Government of His Majesty the Emperor of China that no discriminating duties of tonnage or imposts are imposed or levied in the ports of that nation upon vessels wholly belonging to citizens of the United States, or upon the produce, manufactures, or merchandise imported in the same:

Therefore, I, Rutherford B. Hayes, President of the United States of America, by virtue of the authority in me vested by law, do hereby declare and proclaim that the foreign discriminating duties of tonnage and impost within the United States are and shall be suspended and discontinued so far as respects the vessels of China and the produce, manufactures, and merchandise imported therein into the United States from China, or from any other foreign country, so long as the exemption aforesaid on the part of China of vessels belonging to citizens of the United States and their cargoes shall be continued and no longer.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 23d day of November, A. D. 1880, and of the Independence of the United States of America the one hundred and fifth.

R. B. HAYES.

By the President:

WM. M. EVARTS,
Secretary of State.

EXECUTIVE ORDER.

[From the Evening Star, Washington, D. C., May 27, 1880.]

EXECUTIVE MANSION,
Washington, D. C., May 27, 1880.

DEAR SIR:* I am directed by the President to say that the several Departments of the Government will be closed on Saturday, the 29th instant, in remembrance of those who fell in defense of the nation, and to enable the employees to participate in the commemorative ceremonies of the day.

Very respectfully, your obedient servant,

W. K. ROGERS,
Private Secretary.

---

*Addressed to the heads of the Executive Departments, etc.

FOURTH ANNUAL MESSAGE.

EXECUTIVE MANSION, *December 6, 1880.*

Fellow-Citizens of the Senate and House of Representatives:

I congratulate you on the continued and increasing prosperity of our country. By the favor of Divine Providence we have been blessed during the past year with health, with abundant harvests, with profitable employment for all our people, and with contentment at home, and with peace and friendship with other nations. The occurrence of the twenty-fourth election of Chief Magistrate has afforded another opportunity to the people of the United States to exhibit to the world a significant example of the peaceful and safe transmission of the power and authority of government from the public servants whose terms of office are about to expire to their newly chosen successors. This example can not fail to impress profoundly thoughtful people of other countries with the advantages which republican institutions afford. The immediate, general, and cheerful acquiescence of all good citizens in the result of the election gives gratifying assurance to our country and to its friends throughout the world that a government based on the free consent of an intelligent and patriotic people possesses elements of strength, stability, and permanency not found in any other form of government.

Continued opposition to the full and free enjoyment of the rights of citizenship conferred upon the colored people by the recent amendments to the Constitution still prevails in several of the late slaveholding States. It has, perhaps, not been manifested in the recent election to any large extent in acts of violence or intimidation. It has, however, by fraudulent practices in connection with the ballots, with the regulations as to the places and manner of voting, and with counting, returning, and canvassing the votes cast, been successful in defeating the exercise of the right preservative of all rights—the right of suffrage—which the Constitution expressly confers upon our enfranchised citizens.

It is the desire of the good people of the whole country that sectionalism as a factor in our politics should disappear. They prefer that no section of the country should be united in solid opposition to any other section. The disposition to refuse a prompt and hearty obedience to the equal-rights amendments to the Constitution is all that now stands in the way of a complete obliteration of sectional lines in our political contests. As long as either of these amendments is flagrantly violated or disregarded, it is safe to assume that the people who placed them in the Constitution, as embodying the legitimate results of the war for the Union, and who believe them to be wise and necessary, will continue to act together and to insist that they shall be obeyed. The paramount question still is as to the enjoyment of the right by every American citizen who has the requisite qualifications to freely cast his vote and to have it honestly counted. With this question rightly settled, the country will be relieved of the contentions of the past; bygones will indeed be bygones, and political and party issues, with respect to economy and efficiency of administration, internal improvements, the tariff, domestic taxation, education, finance, and other important subjects, will then receive their full share of attention; but resistance to and nullification of the results of the war will unite together in resolute purpose for their support all who maintain the authority of the Government and the perpetuity of the Union, and who adequately appreciate the value of the victory achieved. This determination proceeds from no hostile sentiment or feeling to any part of the people of our country or to any of their interests. The inviolability of the amendments rests upon the fundamental principle of our Government. They are the solemn expression of the will of the people of the United States.

The sentiment that the constitutional rights of all our citizens must be maintained does not grow weaker. It will continue to control the Government of the country. Happily, the history of the late election shows that in many parts of the country where opposition to the fifteenth amendment has heretofore prevailed it is diminishing, and is likely to cease altogether if firm and well-considered action is taken by Congress. I trust the House of Representatives and the Senate, which have the right to judge of the elections, returns, and qualifications of their own members, will see to it that every case of violation of the letter or spirit of the fifteenth amendment is thoroughly investigated, and that no benefit from such violation shall accrue to any person or party. It will be the duty of the Executive, with sufficient appropriations for the purpose, to prosecute unsparingly all who have been engaged in depriving citizens of the rights guaranteed to them by the Constitution.

It is not, however, to be forgotten that the best and surest guaranty of the primary rights of citizenship is to be found in that capacity for self-protection which can belong only to a people whose right to universal suffrage is supported by universal education. The means at the command of the local and State authorities are in many cases wholly inadequate to furnish free instruction to all who need it. This is especially true where before emancipation the education of the people was neglected or prevented, in the interest of slavery. Firmly convinced that the subject of popular education deserves the earnest attention of the people of the whole country, with a view to wise and comprehensive action by the Government of the United States, I respectfully recommend that Congress, by suitable legislation and with proper safeguards, supplement the local educational funds in the several States where the grave duties and responsibilities of citizenship have been devolved on uneducated people by devoting to the purpose grants of the public lands and, if necessary, by appropriations from the Treasury of the United States. Whatever

Government can fairly do to promote free popular education ought to be done. Wherever general education is found, peace, virtue, and social order prevail and civil and religious liberty are secure.

In my former annual messages I have asked the attention of Congress to the urgent necessity of a reformation of the civil-service system of the Government. My views concerning the dangers of patronage, or appointments for personal or partisan considerations, have been strengthened by my observation and experience in the Executive office, and I believe these dangers threaten the stability of the Government. Abuses so serious in their nature can not be permanently tolerated. They tend to become more alarming with the enlargement of administrative service, as the growth of the country in population increases the number of officers and placemen employed.

The reasons are imperative for the adoption of fixed rules for the regulation of appointments, promotions, and removals, establishing a uniform method having exclusively in view in every instance the attainment of the best qualifications for the position in question. Such a method alone is consistent with the equal rights of all citizens and the most economical and efficient administration of the public business.

Competitive examinations in aid of impartial appointments and promotions have been conducted for some years past in several of the Executive Departments, and by my direction this system has been adopted in the custom-houses and post-offices of the larger cities of the country. In the city of New York over 2,000 positions in the civil service have been subject in their appointments and tenure of place to the operation of published rules for this purpose during the past two years. The results of these practical trials have been very satisfactory, and have confirmed my opinion in favor of this system of selection. All are subjected to the same tests, and the result is free from prejudice by personal favor or partisan influence. It secures for the position applied for the best qualifications attainable among the competing applicants. It is an effectual protection from the pressure of importunity, which under any other course pursued largely exacts the time and attention of appointing officers, to their great detriment in the discharge of other official duties, preventing the abuse of the service for the mere furtherance of private or party purposes, and leaving the employee of the Government, freed from the obligations imposed by patronage, to depend solely upon merit for retention and advancement, and with this constant incentive to exertion and improvement.

These invaluable results have been attained in a high degree in the offices where the rules for appointment by competitive examination have been applied.

A method which has so approved itself by experimental tests at points where such tests may be fairly considered conclusive should be extended to all subordinate positions under the Government. I believe that a strong and growing public sentiment demands immediate measures for securing and enforcing the highest possible efficiency in the civil service and its protection from recognized abuses, and that the experience referred to has demonstrated the feasibility of such measures.

The examinations in the custom-houses and post-offices have been held under many embarrassments and without provision for compensation for the extra labor performed by the officers who have conducted them, and whose commendable interest in the improvement of the public service has induced this devotion of time and labor without pecuniary reward. A continuance of these labors gratuitously ought not to be expected, and without an appropriation by Congress for compensation it is not practicable to extend the system of examinations generally throughout the civil service. It is also highly important that all such examinations should be conducted upon a uniform system and under general supervision. Section 1753 of the Revised Statutes authorizes the President to prescribe the regulations for admission to the civil service of the United States, and for this purpose to employ suitable persons to conduct the requisite inquiries with reference to "the fitness of each candidate, in respect to age, health, character, knowledge, and ability for the branch of service into which he seeks to enter;" but the law is practically inoperative for want of the requisite appropriation.

I therefore recommend an appropriation of $25,000 per annum to meet the expenses of a commission, to be appointed by the President in accordance with the terms of this section, whose duty it shall be to devise a just, uniform, and efficient system of competitive examinations and to supervise the application of the same throughout the entire civil service of the Government. I am persuaded that the facilities which such a commission will afford for testing the fitness of those who apply for office will not only be as welcome a relief to members of Congress as it will be to the President and heads of Departments, but that it will also greatly tend to remove the causes of embarrassment which now inevitably and constantly attend the conflicting claims of patronage between the legislative and executive departments. The most effectual check upon the pernicious competition of influence and official favoritism in the bestowal of office will be the substitution of an open competition of merit between the applicants, in which everyone can make his own record with the assurance that his success will depend upon this alone.

I also recommend such legislation as, while leaving every officer as free as any other citizen to express his political opinions and to use his means for their advancement, shall also enable him to feel as safe as any private citizen in refusing all demands upon his salary for political purposes. A law which should thus guarantee true liberty and justice to all who are engaged in the public service, and likewise contain stringent provisions against the use of official authority to coerce the political action of private citizens or of official subordinates, is greatly to be desired.

The most serious obstacle, however, to an improvement of the civil service, and especially to a reform in the method of appointment and removal, has been found to be the practice, under what is known as the spoils system, by which the appointing power has been so largely encroached upon by members of Congress. The first step in the reform of the civil service must be a complete divorce between Congress and the Executive in the matter of appointments. The corrupting doctrine that "to the victors belong the spoils" is inseparable from Congressional patronage as the established rule and practice of parties in power. It comes to be understood by applicants for office and by the people generally that Representatives and Senators are entitled to disburse the patronage of their respective districts and States. It is not necessary to recite at length the evils resulting from this invasion of the Executive functions. The true principles of Government on the subject of appointments to office, as stated in the national conventions of the leading parties of the country, have again and again been approved by the American people, and have not been called in question in any quarter. These authentic expressions of public opinion upon this all-important subject are the statement of principles that belong to the constitutional structure of the Government.

> Under the Constitution the President and heads of Departments are to make nominations for office. The Senate is to advise and consent to appointments, and the House of Representatives is to accuse and prosecute faithless officers. The best interest of the public service demands that these distinctions be respected; that Senators and Representatives, who may be judges and accusers, should not dictate appointments to office.

To this end the cooperation of the legislative department of the Government is required alike by the necessities of the case and by public opinion. Members of Congress will not be relieved from the demands made upon them with reference to appointments to office until by legislative enactment the pernicious practice is condemned and forbidden.

It is therefore recommended that an act be passed defining the relations of members of Congress with respect to appointment to office by the President; and I also recommend that the provisions of section 1767 and of the sections following of the Revised Statutes, comprising the tenure-of-office act of March 2, 1867, be repealed.

Believing that to reform the system and methods of the civil service in our country is one of the highest and most imperative duties of statesmanship, and that it can be permanently done only by the cooperation of the legislative and executive departments of the Government, I again commend the whole subject to your considerate attention.

It is the recognized duty and purpose of the people of the United States to suppress polygamy where it now exists in our Territories and to prevent its extension. Faithful and zealous efforts have been made by the United States authorities in Utah to enforce the laws against it. Experience has shown that the legislation upon this subject, to be effective, requires extensive modification and amendment. The longer action is delayed the more difficult it will be to accomplish what is desired. Prompt and decided measures are necessary. The Mormon sectarian organization which upholds polygamy has the whole power of making and executing the local legislation of the Territory. By its control of the grand and petit juries it possesses large influence over the administration of justice. Exercising, as the heads of this sect do, the local political power of the Territory, they are able to make effective their hostility to the law of Congress on the subject of polygamy, and, in fact, do prevent its enforcement. Polygamy will not be abolished if the enforcement of the law depends on those who practice and uphold the crime. It can only be suppressed by taking away the political power of the sect which encourages and sustains it.

The power of Congress to enact suitable laws to protect the Territories is ample. It is not a case for halfway measures. The political power of the Mormon sect is increasing. It controls now one of our wealthiest and most populous Territories. It is extending steadily into other Territories. Wherever it goes it establishes polygamy and sectarian political power. The sanctity of marriage and the family relation are the corner stone of our American society and civilization. Religious liberty and the separation of church and state are among the elementary ideas of free institutions. To reestablish the interests and principles which polygamy and Mormonism have imperiled, and to fully reopen to intelligent and virtuous immigrants of all creeds that part of our domain which has been in a great degree closed to general immigration by intolerant and immoral institutions, it is recommended that the government of the Territory of Utah be reorganized.

I recommend that Congress provide for the government of Utah by a governor and judges, or commissioners, appointed by the President and confirmed by the Senate—a government analogous to the provisional government established for the territory northwest of the Ohio by the ordinance of 1787. If, however, it is deemed best to continue the existing form of local government, I recommend that the right to vote, hold office, and sit on juries in the Territory of Utah be confined to those who neither practice nor uphold polygamy. If thorough measures are adopted, it is believed that within a few years the evils which now afflict Utah will be eradicated, and that this Territory will in good time become one of the most prosperous and attractive of the new States of the Union.

Our relations with all foreign countries have been those of undisturbed peace, and have presented no occasion for concern as to their continued maintenance.

My anticipation of an early reply from the British Government to the demand of indemnity to our fishermen for the injuries suffered by that industry at Fortune Bay in January, 1878, which I expressed in my last annual message, was disappointed. This answer was received only in the latter part of April in the present year, and when received exhibited a failure of accord between the two Governments as to the measure of the inshore fishing privilege secured to our fishermen by the treaty of Washington of so serious a character that I made it the subject of a communication to Congress, in which I recommended the adoption of the measures which seemed to me proper to be taken by this Government in maintenance of the rights accorded to our fishermen under the treaty and toward securing an indemnity for the injury these interests had suffered. A bill to carry out these recommendations was under consideration by the House of Representatives at the time of the adjournment of Congress in June last.

Within a few weeks I have received a communication from Her Majesty's Government renewing the consideration of the subject, both of the indemnity for the injuries at Fortune Bay and of the interpretation of the treaty in which the previous correspondence had shown the two Governments to be at variance. Upon both these topics the disposition toward a friendly agreement is manifested by a recognition of our right to an indemnity for the transaction at Fortune Bay, leaving the measure of such indemnity to further conference, and by an assent to the view of this Government, presented in the previous correspondence, that the regulation of conflicting interests of the shore fishery of the provincial seacoasts and the vessel fishery of our fishermen should be made the subject of conference and concurrent arrangement between the two Governments.

I sincerely hope that the basis may be found for a speedy adjustment of the very serious divergence of views in the interpretation of the fishery clauses of the treaty of Washington, which, as the correspondence between the two Governments stood at the close of the last session of Congress, seemed to be irreconcilable.

In the important exhibition of arts and industries which was held last year at Sydney, New South Wales, as well as in that now in progress at Melbourne, the United States have been efficiently and honorably represented. The exhibitors from this country at the former place received a large number of awards in some of the most considerable departments, and the participation of the United States was recognized by a special mark of distinction. In the exhibition at Melbourne the share taken by our country is no less notable, and an equal degree of success is confidently expected.

The state of peace and tranquillity now enjoyed by all the nations of the continent of Europe has its favorable influence upon our diplomatic and commercial relations with them. We have concluded and ratified a convention with the French Republic for the settlement of claims of the citizens of either country against the other. Under this convention a commission, presided over by a distinguished publicist, appointed in pursuance of the request of both nations by His Majesty the Emperor of Brazil, has been organized and has begun its sessions in this city. A congress to consider means for the protection of industrial property has recently been in session in Paris, to which I have appointed the ministers of the United States in France and in Belgium as delegates. The International Commission upon Weights and Measures also continues its work in Paris. I invite your attention to the necessity of an appropriation to be made in time to enable this Government to comply with its obligations under the metrical convention.

Our friendly relations with the German Empire continue without interruption. At the recent International Exhibition of Fish and Fisheries at Berlin the participation of the United States, notwithstanding the haste with which the commission was forced to make its preparations, was extremely successful and meritorious, winning for private exhibitors numerous awards of a high class and for the country at large the principal prize of honor offered by His Majesty the Emperor. The results of this great success can not but be advantageous to this important and growing industry. There have been some questions raised between the two Governments as to the proper effect and interpretation of our treaties of naturalization, but recent dispatches from our minister at Berlin show that favorable progress is making toward an understanding in accordance with the views of this Government, which makes and admits no distinction whatever between the rights of a native and a naturalized citizen of the United States. In practice the complaints of molestation suffered by naturalized citizens abroad have never been fewer than at present.

There is nothing of importance to note in our unbroken friendly relations with the Governments of Austria-Hungary, Russia, Portugal, Sweden and Norway, Switzerland, Turkey, and Greece.

During the last summer several vessels belonging to the merchant marine of this country, sailing in neutral waters of the West Indies, were fired at, boarded, and searched by an armed cruiser of the Spanish Government. The circumstances as reported involve not only a private injury to the persons concerned, but also seemed too little observant of the friendly relations existing for a century between this country and Spain. The wrong was brought to the attention of the Spanish Government in a serious protest and remonstrance, and the matter is undergoing investigation by the royal authorities with a view to such explanation or reparation as may be called for by the facts.

The commission sitting in this city for the adjudication of claims of our citizens against the Government of Spain is, I hope, approaching the termination of its labors.

The claims against the United States under the Florida treaty with Spain were submitted to Congress for its action at the late session, and

I again invite your attention to this long-standing question, with a view to a final disposition of the matter.

At the invitation of the Spanish Government, a conference has recently been held at the city of Madrid to consider the subject of protection by foreign powers of native Moors in the Empire of Morocco. The minister of the United States in Spain was directed to take part in the deliberations of this conference, the result of which is a convention signed on behalf of all the powers represented. The instrument will be laid before the Senate for its consideration. The Government of the United States has also lost no opportunity to urge upon that of the Emperor of Morocco the necessity, in accordance with the humane and enlightened spirit of the age, of putting an end to the persecutions, which have been so prevalent in that country, of persons of a faith other than the Moslem, and especially of the Hebrew residents of Morocco.

The consular treaty concluded with Belgium has not yet been officially promulgated, owing to the alteration of a word in the text by the Senate of the United States, which occasioned a delay, during which the time allowed for ratification expired. The Senate will be asked to extend the period for ratification.

The attempt to negotiate a treaty of extradition with Denmark failed on account of the objection of the Danish Government to the usual clause providing that each nation should pay the expense of the arrest of the persons whose extradition it asks.

The provision made by Congress at its last session for the expense of the commission which had been appointed to enter upon negotiations with the Imperial Government of China on subjects of great interest to the relations of the two countries enabled the commissioners to proceed at once upon their mission. The Imperial Government was prepared to give prompt and respectful attention to the matters brought under negotiation, and the conferences proceeded with such rapidity and success that on the 17th of November last two treaties were signed at Peking, one relating to the introduction of Chinese into this country and one relating to commerce. Mr. Trescot, one of the commissioners, is now on his way home bringing the treaties, and it is expected that they will be received in season to be laid before the Senate early in January.

Our minister in Japan has negotiated a convention for the reciprocal relief of shipwrecked seamen. I take occasion to urge once more upon Congress the propriety of making provision for the erection of suitable fireproof buildings at the Japanese capital for the use of the American legation and the court-house and jail connected with it. The Japanese Government, with great generosity and courtesy, has offered for this purpose an eligible piece of land.

In my last annual message I invited the attention of Congress to the subject of the indemnity funds received some years ago from China and Japan. I renew the recommendation then made that whatever portions of these funds are due to American citizens should be promptly paid and the residue returned to the nations, respectively, to which they justly and equitably belong.

The extradition treaty with the Kingdom of the Netherlands, which has been for some time in course of negotiation, has during the past year been concluded and duly ratified.

Relations of friendship and amity have been established between the Government of the United States and that of Roumania. We have sent a diplomatic representative to Bucharest, and have received at this capital the special envoy who has been charged by His Royal Highness Prince Charles to announce the independent sovereignty of Roumania. We hope for a speedy development of commercial relations between the two countries.

In my last annual message I expressed the hope that the prevalence of quiet on the border between this country and Mexico would soon become so assured as to justify the modification of the orders then in force to our military commanders in regard to crossing the frontier, without encouraging such disturbances as would endanger the peace of the two countries. Events moved in accordance with these expectations, and the orders were accordingly withdrawn, to the entire satisfaction of our own citizens and the Mexican Government. Subsequently the peace of the border was again disturbed by a savage foray under the command of the Chief Victoria, but by the combined and harmonious action of the military forces of both countries his band has been broken up and substantially destroyed.

There is reason to believe that the obstacles which have so long prevented rapid and convenient communication between the United States and Mexico by railways are on the point of disappearing, and that several important enterprises of this character will soon be set on foot, which can not fail to contribute largely to the prosperity of both countries.

New envoys from Guatemala, Colombia, Bolivia, Venezuela, and Nicaragua have recently arrived at this capital, whose distinction and enlightenment afford the best guaranty of the continuance of friendly relations between ourselves and these sister Republics.

The relations between this Government and that of the United States of Colombia have engaged public attention during the past year, mainly by reason of the project of an interoceanic canal across the Isthmus of Panama, to be built by private capital under a concession from the Colombian Government for that purpose. The treaty obligations subsisting between the United States and Colombia, by which we guarantee the neutrality of the transit and the sovereignty and property of Colombia in the Isthmus, make it necessary that the conditions under which so stupendous a change in the region embraced in this guaranty should be effected—transforming, as it would, this Isthmus from a barrier between the Atlantic and Pacific oceans into a gateway and thoroughfare between them for the navies and the merchant ships of the world—should receive the approval of this Government, as being compatible with the discharge of these obligations on our part and consistent with our interests as the principal commercial power of the Western Hemisphere. The views which I expressed in a special message to Congress in March last in relation to this project I deem it my duty again to press upon your attention. Subsequent consideration has but confirmed the opinion "that it is the right and duty of the United States to assert and maintain such supervision and authority over any interoceanic canal across the isthmus that connects North and South America as will protect our national interest."

The war between the Republic of Chile on the one hand and the allied Republics of Peru and Bolivia on the other still continues. This Government has not felt called upon to interfere in a contest that is within the belligerent rights of the parties as independent states. We have, however, always held ourselves in readiness to aid in accommodating their difference, and have at different times reminded both belligerents of our willingness to render such service.

Our good offices in this direction were recently accepted by all the belligerents, and it was hoped they would prove efficacious; but I regret to announce that the measures which the ministers of the United States at Santiago and Lima were authorized to take with the view to bring about a peace were not successful. In the course of the war some questions have arisen affecting neutral rights. In all of these the ministers of the United States have, under their instructions, acted with promptness and energy in protection of American interests.

The relations of the United States with the Empire of Brazil continue to be most cordial, and their commercial intercourse steadily increases, to their mutual advantage.

The internal disorders with which the Argentine Republic has for some time past been afflicted, and which have more or less influenced its external trade, are understood to have been brought to a close. This happy result may be expected to redound to the benefit of the foreign commerce of that Republic, as well as to the development of its vast interior resources.

In Samoa the Government of King Malietoa, under the support and recognition of the consular representatives of the United States, Great Britain, and Germany, seems to have given peace and tranquillity to the islands. While it does not appear desirable to adopt as a whole the scheme of tripartite local government which has been proposed, the common interests of the three great treaty powers require harmony in their relations to the native frame of government, and this may be best secured by a simple diplomatic agreement between them. It would be well if the consular jurisdiction of our representative at Apia were increased in extent and importance so as to guard American interests in the surrounding and outlying islands of Oceanica.

The obelisk generously presented by the Khedive of Egypt to the city of New York has safely arrived in this country, and will soon be erected in that metropolis. A commission for the liquidation of the Egyptian debt has lately concluded its work, and this Government, at the earnest solicitation of the Khedive, has acceded to the provisions adopted by it, which will be laid before Congress for its information. A commission for the revision of the judicial code of the reform tribunal of Egypt is now in session in Cairo. Mr. Farman, consul-general, and J. M. Batchelder, esq., have been appointed as commissioners to participate in this work. The organization of the reform tribunals will probably be continued for another period of five years.

In pursuance of the act passed at the last session of Congress, invitations have been extended to foreign maritime states to join in a sanitary conference in Washington, beginning the 1st of January. The acceptance of this invitation by many prominent powers gives promise of success in this important measure, designed to establish a system of international notification by which the spread of infectious or epidemic diseases may be more effectively checked or prevented. The attention of Congress is invited to the necessary appropriations for carrying into effect the provisions of the act referred to.

The efforts of the Department of State to enlarge the trade and commerce of the United States, through the active agency of consular officers and through the dissemination of information obtained from them, have been unrelaxed. The interest in these efforts, as developed in our commercial communities, and the value of the information secured by this means to the trade and manufactures of the country were recognized by Congress at its last session, and provision was made for the more frequent publication of consular and other reports by the Department of State. The first issue of this publication has now been prepared, and subsequent issues may regularly be expected. The importance and interest attached to the reports of consular officers are witnessed by the general demand for them by all classes of merchants and manufacturers engaged in our foreign trade. It is believed that the system of such publications is deserving of the approval of Congress, and that the necessary appropriations for its continuance and enlargement will commend itself to your consideration.

The prosperous energies of our domestic industries and their immense production of the subjects of foreign commerce invite, and even require, an active development of the wishes and interests of our people in that direction. Especially important is it that our commercial relations with the Atlantic and Pacific coasts of South America, with the West Indies and the Gulf of Mexico, should be direct, and not through the circuit of European systems, and should be carried on in our own bottoms. The full appreciation of the opportunities which our front on the Pacific Ocean gives to commerce with Japan, China, and the East Indies, with Australia and the island groups which lie along these routes of navigation, should inspire equal efforts to appropriate to our own shipping and to administer by our own capital a due proportion of this trade. Whatever modifications of our regulations of trade and navigation may be necessary or useful to meet and direct these impulses to the enlargement of our exchanges and of our carrying trade I am sure the wisdom of Congress will be ready to supply. One initial measure, however, seems to me so clearly useful and efficient that I venture to press it upon your earnest attention. It seems to be very evident that the provision of regular steam postal communication by aid from government has been the forerunner of the commercial predominance of Great Britain on all these coasts and seas, a greater share in whose trade is now the desire and the intent of our people. It is also manifest that the efforts of other European nations to contend with Great Britain for a share of this commerce have been successful in proportion with their adoption of regular steam postal communication with the markets whose trade they sought. Mexico and the States of South America are anxious to receive such postal communication with this country and to aid in their development. Similar cooperation may be looked for in due time from the Eastern nations and from Australia. It is difficult to see how the lead in this movement can be expected from private interests. In respect of foreign commerce quite as much as in internal trade postal communication seems necessarily a matter of common and public administration, and thus pertaining to Government. I respectfully recommend to your prompt attention such just and efficient measures as may conduce to the development of our foreign commercial exchanges and the building up of our carrying trade.

In this connection I desire also to suggest the very great service which might be expected in enlarging and facilitating our commerce on the Pacific Ocean were a transmarine cable laid from San Francisco to the Sandwich Islands, and thence to Japan at the north and Australia at the south. The great influence of such means of communication on these routes of navigation in developing and securing the due share of our Pacific Coast in the commerce of the world needs no illustration or enforcement. It may be that such an enterprise, useful, and in the end profitable, as it would prove to private investment, may need to be accelerated by prudent legislation by Congress in its aid, and I submit the matter to your careful consideration.

An additional and not unimportant, although secondary, reason for fostering and enlarging the Navy may be found in the unquestionable service to the expansion of our commerce which would be rendered by the frequent circulation of naval ships in the seas and ports of all quarters of the globe. Ships of the proper construction and equipment to be of the greatest efficiency in case of maritime war might be made constant and active agents in time of peace in the advancement and protection of our foreign trade and in the nurture and discipline of young seamen, who would naturally in some numbers mix with and improve the crews of our merchant ships. Our merchants at home and abroad recognize the value to foreign commerce of an active movement of our naval vessels, and the intelligence and patriotic zeal of our naval officers in promoting every interest of their countrymen is a just subject of national pride.

The condition of the financial affairs of the Government, as shown by the report of the Secretary of the Treasury, is very satisfactory. It is believed that the present financial situation of the United States, whether considered with respect to trade, currency, credit, growing wealth, or the extent and variety of our resources, is more favorable than that of any other country of our time, and has never been surpassed by that of any country at any period of its history. All our industries are thriving; the rate of interest is low; new railroads are being constructed; a vast immigration is increasing our population, capital, and labor; new enterprises in great number are in progress, and our commercial relations with other countries are improving.

The ordinary revenues from all sources for the fiscal year ended June 30, 1880, were—

From customs	$186,522,064.60
From internal revenue	124,009,373.92
From sales of public lands	1,016,506.60
From tax on circulation and deposits of national banks	7,014,971.44
From repayment of interest by Pacific Railway companies	1,707,367.18
From sinking fund for Pacific Railway companies	786,621.22
From customs fees, fines, penalties, etc	1,148,800.16
From fees—consular, letters patent, and lands	2,337,029.00
From proceeds of sales of Government property	282,616.50
From profits on coinage, etc	2,792,186.78
From revenues of the District of Columbia	1,809,469.70
From miscellaneous sources	4,099,603.88
Total ordinary receipts	333,526,610.98

The ordinary expenditures for the same period were—

For civil expenses	$15,693,963.55
For foreign intercourse	1,211,490.58
For Indians	5,945,457.09
For pensions (including $19,341,025.20 arrears of pensions)	56,777,174.44
For the military establishment, including river and harbor improvements and arsenals	38,116,916.22
For the naval establishment, including vessels, machinery, and improvements at navy-yards	13,536,984.74
For miscellaneous expenditures, including public buildings, light-houses, and collecting the revenue	34,535,691.00
For expenditures on account of the District of Columbia	3,272,384.63
For interest on the public debt	95,757,575.11
For premium on bonds purchased	2,795,320.42

leaving a surplus revenue of $65,883,653.20, which, with an amount drawn from the cash balance in Treasury of $8,084,434.21, making $73,968,087.41, was applied to the redemption—

Of bonds for the sinking fund	$73,652,900.00
Of fractional currency	251,717.41
Of the loan of 1858	40,000.00
Of temporary loan	100.00
Of bounty-land scrip	25.00
Of compound-interest notes	16,500.00
Of 7.30 notes of 1864–65	2,650.00
Of one and two year notes	3,700.00
Of old demand notes	495.00
Total	73,968,087.41

The amount due the sinking fund for this year was $37,931,643.55. There was applied thereto the sum of $73,904,617.41, being $35,972,973.86 in excess of the actual requirements for the year.

The aggregate of the revenues from all sources during the fiscal year ended June 30, 1880, was $333,526,610.98, an increase over the preceding year of $59,699,426.52. The receipts thus far of the current year, together with the estimated receipts for the remainder of the year, amount to $350,000,000, which will be sufficient to meet the estimated expenditures of the year and leave a surplus of $90,000,000.

It is fortunate that this large surplus revenue occurs at a period when it may be directly applied to the payment of the public debt soon to be redeemable. No public duty has been more constantly cherished in the United States than the policy of paying the nation's debt as rapidly as possible.

The debt of the United States, less cash in the Treasury and exclusive of accruing interest, attained its maximum of $2,756,431,571.43 in August, 1865, and has since that time been reduced to $1,886,019,504.65. Of the principal of the debt, $108,758,100 has been paid since March 1, 1877, effecting an annual saving of interest of $6,107,593. The burden of interest has also been diminished by the sale of bonds bearing a low rate of interest and the application of the proceeds to the redemption of bonds bearing a higher rate. The annual saving thus secured since March 1, 1877, is $14,290,453.50. Within a short period over six hundred millions of 5 and 6 per cent bonds will become redeemable. This presents a very favorable opportunity not only to further reduce the principal of the debt, but also to reduce the rate of interest on that which will remain unpaid. I call the attention of Congress to the views expressed on this subject by the Secretary of the Treasury in his annual report, and recommend prompt legislation to enable the Treasury Department to complete the refunding of the debt which is about to mature.

The continuance of specie payments has not been interrupted or endangered since the date of resumption. It has contributed greatly to the revival of business and to our remarkable prosperity. The fears that preceded and accompanied resumption have proved groundless. No considerable amount of United States notes have been presented for redemption, while very large sums of gold bullion, both domestic and imported, are taken to the mints and exchanged for coin or notes. The increase of coin and bullion in the United States since January 1, 1879, is estimated at $227,399,428.

There are still in existence, uncanceled, $346,681,016 of United States legal-tender notes. These notes were authorized as a war measure, made necessary by the exigencies of the conflict in which the United States was then engaged. The preservation of the nation's existence required, in the judgment of Congress, an issue of legal-tender paper money. That it served well the purpose for which it was created is not questioned, but the employment of the notes as paper money indefinitely, after the accomplishment of the object for which they were provided, was not contemplated by the framers of the law under which they were issued. These notes long since became, like any other pecuniary obligation of the Government, a debt to be paid, and when paid to be canceled as mere evidence of an indebtedness no longer existing. I therefore repeat what was said in the annual message of last year, that the retirement from circulation of United States notes with the capacity of legal tender in private contracts is a step to be taken in our progress toward a safe and stable currency which should be accepted as the policy and duty of the Government and the interest and security of the people.

At the time of the passage of the act now in force requiring the coinage of silver dollars, fixing their value, and giving them legal-tender character it was believed by many of the supporters of the measure that the silver dollar which it authorized would speedily become, under the operations of the law, of equivalent value to the gold dollar. There were other supporters of the bill, who, while they doubted as to the probability of this result, nevertheless were willing to give the proposed experiment a fair trial, with a view to stop the coinage if experience should prove that the silver dollar authorized by the bill continued to be of less commercial value than the standard gold dollar.

The coinage of silver dollars under the act referred to began in March, 1878, and has been continued as required by the act. The average rate per month to the present time has been $2,276,492. The total amount coined prior to the 1st of November last was $72,847,750. Of this amount $47,084,450 remain in the Treasury, and only $25,763,291 are in the hands of the people. A constant effort has been made to keep this currency in circulation, and considerable expense has been necessarily incurred for this purpose; but its return to the Treasury is prompt and sure. Contrary to the confident anticipation of the friends of the measure at the time of its adoption, the value of the silver dollar containing 412½ grains of silver has not increased. During the year prior to the passage of the bill authorizing its coinage the market value of the silver which it contained was from 90 to 92 cents as compared with the standard gold dollar. During the last year the average market value of the silver dollar has been 88½ cents.

It is obvious that the legislation of the last Congress in regard to silver, so far as it was based on an anticipated rise in the value of silver as a result of that legislation, has failed to produce the effect then predicted. The longer the law remains in force, requiring, as it does, the coinage of a nominal dollar which in reality is not a dollar, the greater becomes the danger that this country will be forced to accept a single metal as the sole legal standard of value in circulation, and this a standard of less value than it purports to be worth in the recognized money of the world.

The Constitution of the United States, sound financial principles, and our best interests all require that the country should have as its legal-tender money both gold and silver coin of an intrinsic value, as bullion, equivalent to that which upon its face it purports to possess. The Constitution in express terms recognizes both gold and silver as the only true legal-tender money. To banish either of these metals from our currency is to narrow and limit the circulating medium of exchange to the disparagement of important interests. The United States produces more silver than any other country, and is directly interested in maintaining it as one of the two precious metals which furnish the coinage of the world. It will, in my judgment, contribute to this result if Congress will repeal so much of existing legislation as requires the coinage of silver dollars containing only 412½ grains of silver, and in its stead will authorize the Secretary of the Treasury to coin silver dollars of equivalent value, as bullion, with gold dollars. This will defraud no man, and will be in accordance with familiar precedents. Congress on several occasions has altered the ratio of value between gold and silver, in order to establish it more nearly in accordance with the actual ratio of value between the two metals.

In financial legislation every measure in the direction of greater fidelity in the discharge of pecuniary obligations has been found by experience to diminish the rates of interest which debtors are required to pay and to increase the facility with which money can be obtained for every legitimate purpose. Our own recent financial history shows how surely money becomes abundant whenever confidence in the exact performance of moneyed obligations is established.

The Secretary of War reports that the expenditures of the War Department for the fiscal year ended June 30, 1880, were $39,924,773.03. The appropriations for this Department for the current fiscal year amount to $41,993,630.40.

With respect to the Army, the Secretary invites attention to the fact that its strength is limited by statute (U. S. Revised Statutes, sec. 1115) to not more than 30,000 enlisted men, but that provisos contained in appropriation bills have limited expenditures to the enlistment of but 25,000. It is believed the full legal strength is the least possible force at which the present organization can be maintained, having in view efficiency, discipline, and economy. While the enlistment of this force would add somewhat to the appropriation for pay of the Army, the saving made in other respects would be more than an equivalent for this additional outlay, and the efficiency of the Army would be largely increased.

The rapid extension of the railroad system west of the Mississippi River and the great tide of settlers which has flowed in upon new territory impose on the military an entire change of policy. The maintenance of small posts along wagon and stage routes of travel is no longer necessary. Permanent quarters at points selected, of a more substantial character than those heretofore constructed, will be required. Under existing laws permanent buildings can not be erected without the sanction of Congress, and when sales of military sites and buildings have been authorized the moneys received have reverted to the Treasury and could only become available through a new appropriation. It is recommended that provision be made by a general statute for the sale of such abandoned military posts and buildings as are found to be unnecessary and for the application of the proceeds to the construction of other posts. While many of the present posts are of but slight value for military purposes, owing to the changed condition of the country, their occupation is continued at great expense and inconvenience, because they afford the only available shelter for troops.

The absence of a large number of officers of the line, in active duty, from their regiments is a serious detriment to the maintenance of the service. The constant demand for small detachments, each of which should be commanded by a commissioned officer, and the various details of officers for necessary service away from their commands occasion a scarcity in the number required for company duties. With a view to lessening this drain to some extent, it is recommended that the law authorizing the detail of officers from the active list as professors of tactics and military science at certain colleges and universities be so amended as to provide that all such details be made from the retired list of the Army.

Attention is asked to the necessity of providing by legislation for organizing, arming, and disciplining the *active* militia of the country, and liberal appropriations are recommended in this behalf. The reports of the Adjutant-General of the Army and the Chief of Ordnance touching this subject fully set forth its importance.

The report of the officer in charge of education in the Army shows that there are 78 schools now in operation in the Army, with an aggregate attendance of 2,305 enlisted men and children. The Secretary recommends the enlistment of 150 schoolmasters, with the rank and pay of commissary-sergeants. An appropriation is needed to supply the judge-advocates of the Army with suitable libraries, and the Secretary recommends that the Corps of Judge-Advocates be placed upon the same footing as to promotion with the other staff corps of the Army. Under existing laws the Bureau of Military Justice consists of one officer (the Judge-Advocate-General), and the Corps of Judge-Advocates of eight officers of equal rank (majors), with a provision that the limit of the corps shall remain at four when reduced by casualty or resignation to that number. The consolidation of the Bureau of Military Justice and the Corps of Judge-Advocates upon the same basis with the other staff corps of the Army would remove an unjust discrimination against deserving officers and subserve the best interests of the service.

Especial attention is asked to the report of the Chief of Engineers upon the condition of our national defenses. From a personal inspection of many of the fortifications referred to, the Secretary is able to emphasize the recommendations made and to state that their incomplete and defenseless condition is discreditable to the country. While other nations have been increasing their means for carrying on offensive warfare and attacking maritime cities, we have been dormant in preparation for defense. Nothing of importance has been done toward strengthening and finishing our casemated works since our late civil war, during which the great guns of modern warfare and the heavy armor of modern fortifications and ships came into use among the nations; and our earthworks, left by a sudden failure of appropriations some years since in all stages of incompletion, are now being rapidly destroyed by the elements.

The two great rivers of the North American continent, the Mississippi and the Columbia, have their navigable waters wholly within the limits of the United States, and are of vast importance to our internal and foreign commerce. The permanency of the important work on the South Pass of the Mississippi River seems now to be assured. There has been no failure whatever in the maintenance of the maximum channel during the six months ended August 9 last. This experiment has opened a broad, deep highway to the ocean, and is an improvement upon the permanent success of which congratulations may be exchanged among people abroad and at home, and especially among the communities of the Mississippi Valley, whose commercial exchanges float in an unobstructed channel safely to and from the sea.

A comprehensive improvement of the Mississippi and its tributaries is a matter of transcendent importance. These great waterways comprise a system of inland transportation spread like network over a large portion of the United States, and navigable to the extent of many thousands of miles. Producers and consumers alike have a common interest in such unequaled facilities for cheap transportation. Geographically, commercially, and politically, they are the strongest tie between the various sections of the country. These channels of communication and interchange are the property of the nation. Its jurisdiction is paramount over their waters, and the plainest principles of public interest require their intelligent and careful supervision, with a view to their protection, improvement, and the enhancement of their usefulness.

The channel of the Columbia River for a distance of about 100 miles from its mouth is obstructed by a succession of bars, which occasion serious delays in navigation and heavy expense for lighterage and towage. A depth of at least 20 feet at low tide should be secured and maintained to meet the requirements of the extensive and growing inland and ocean commerce it subserves. The most urgent need, however, for this great waterway is a permanent improvement of the channel at the mouth of the river.

From Columbia River to San Francisco, a distance of over 600 miles, there is no harbor on our Pacific coast which can be approached during stormy weather. An appropriation of $150,000 was made by the Forty-fifth Congress for the commencement of a breakwater and harbor of refuge, to be located at some point between the Straits of Fuca and San Francisco at which the necessities of commerce, local and general, will be best accommodated. The amount appropriated is thought to be quite inadequate for the purpose intended. The cost of the work, when finished, will be very great, owing to the want of natural advantages for a site at any point on the coast between the designated limits, and it has not been thought to be advisable to undertake the work without a larger appropriation. I commend the matter to the attention of Congress.

The completion of the new building for the War Department is urgently needed, and the estimates for continuing its construction are especially recommended.

The collections of books, specimens, and records constituting the Army Medical Museum and Library are of national importance. The library now contains about 51,500 volumes and 57,000 pamphlets relating to medicine, surgery, and allied topics. The contents of the Army Medical Museum consist of 22,000 specimens, and are unique in the completeness with which both military surgery and the diseases of armies are illustrated. Their destruction would be an irreparable loss, not only to the United States, but to the world. There are filed in the Record and Pension Division over 16,000 bound volumes of hospital records, together with a great quantity of papers, embracing the original records of the hospitals of our armies during the civil war. Aside from their historical value, these records are daily searched for evidence needed in the settlement of large numbers of pension and other claims, for the protection of the Government against attempted frauds, as well as for the benefit of honest claimants. These valuable collections are now in a building which is peculiarly exposed to the danger of destruction by fire. It is therefore earnestly recommended that an appropriation be made for a new fireproof building, adequate for the present needs and reasonable future expansion of these valuable collections. Such a building should be absolutely fireproof; no expenditure for mere architectural display is required. It is believed that a suitable structure can be erected at a cost not to exceed $250,000.

I commend to the attention of Congress the great services of the Commander in Chief of our armies during the war for the Union, whose wise, firm, and patriotic conduct did so much to bring that momentous conflict to a close. The legislation of the United States contains many precedents for the recognition of distinguished military merit, authorizing rank and emoluments to be conferred for eminent services to the country. An act of Congress authorizing the appointment of a Captain-General of the Army, with suitable provisions relating to compensation, retirement, and other details, would, in my judgment, be altogether fitting and proper, and would be warmly approved by the country.

The report of the Secretary of the Navy exhibits the successful and satisfactory management of that Department during the last fiscal year. The total expenditures for the year were $12,916,639.45, leaving unexpended at the close of the year $2,141,682.23 of the amount of available appropriations. The appropriations for the present fiscal year, ending June 30, 1881, are $15,095,061.45, and the total estimates for the next fiscal year, ending June 30, 1882, are $15,953,751.61. The amount drawn by warrant from July 1, 1880, to November 1, 1880, is $5,041,570.45.

The recommendation of the Secretary of the Navy that provision be made for the establishment of some form of civil government for the people of Alaska is approved. At present there is no protection of persons or property in that Territory except such as is afforded by the officers of the United States ship *Jamestown*. This vessel was dispatched to Sitka because of the fear that without the immediate presence of the national authority there was impending danger of anarchy. The steps taken to restore order have been accepted in good faith by both white and Indian inhabitants, and the necessity for this method of restraint does not, in my opinion, now exist. If, however, the *Jamestown* should be withdrawn, leaving the people, as at present, without the ordinary judicial and administrative authority of organized local government, serious consequences might ensue.

The laws provide only for the collection of revenue, the protection of public property, and the transmission of the mails. The problem is to supply a local rule for a population so scattered and so peculiar in its origin and condition. The natives are reported to be teachable and self-supporting, and if properly instructed doubtless would advance rapidly in civilization, and a new factor of prosperity would be added to the national life. I therefore recommend the requisite legislation upon this subject.

The Secretary of the Navy has taken steps toward the establishment of naval coaling stations at the Isthmus of Panama, to meet the requirements of our commercial relations with Central and South America, which are rapidly growing in importance. Locations eminently suitable, both as regards our naval purposes and the uses of commerce, have been selected, one on the east side of the Isthmus, at Chiriqui Lagoon, in the Caribbean Sea, and the other on the Pacific coast, at the Bay of Golfito. The only safe harbors, sufficiently commodious, on the Isthmus are at these points, and the distance between them is less than 100 miles. The report of the Secretary of the Navy concludes with valuable suggestions with respect to the building up of our merchant marine service, which deserve the favorable consideration of Congress.

The report of the Postmaster-General exhibits the continual growth and the high state of efficiency of the postal service. The operations of no Department of the Government, perhaps, represent with greater exactness the increase in the population and the business of the country. In 1860 the postal receipts were $8,518,067.40; in 1880 the receipts were $33,315,479.34. All the inhabitants of the country are directly and personally interested in having proper mail facilities, and naturally watch the Post-Office very closely. This careful oversight on the part of the people has proved a constant stimulus to improvement. During the past year there was an increase of 2,134 post-offices, and the mail routes were extended 27,177 miles, making an additional annual transportation of 10,804,191 miles. The revenues of the postal service for the ensuing year are estimated at $38,845,174.10, and the expenditures at $42,475,932, leaving a deficiency to be appropriated out of the Treasury of $3,630,757.90.

The Universal Postal Union has received the accession of almost all the countries and colonies of the world maintaining organized postal services, and it is confidently expected that all the other countries and colonies now outside the union will soon unite therewith, thus realizing the grand idea and aim of the founders of the union of forming, for purposes of international mail communication, a single postal territory, embracing the world, with complete uniformity of postal charges and conditions of international exchange for all descriptions of correspondence. To enable the United States to do its full share of this great work, additional legislation is asked by the Postmaster-General, to whose recommendations especial attention is called.

The suggestion of the Postmaster-General that it would be wise to encourage, by appropriate legislation, the establishment of American lines of steamers by our own citizens to carry the mails between our own ports and those of Mexico, Central America, South America, and of transpacific countries is commended to the serious consideration of Congress.

The attention of Congress is also invited to the suggestions of the Postmaster-General in regard to postal savings.

The necessity for additional provision to aid in the transaction of the business of the Federal courts becomes each year more apparent. The dockets of the Supreme Court and of the circuit courts in the greater number of the circuits are encumbered with the constant accession of cases. In the former court, and in many instances in the circuit courts, years intervene before it is practicable to bring cases to hearing.

The Attorney-General recommends the establishment of an intermediate court of errors and appeals. It is recommended that the number of judges of the circuit court in each circuit, with the exception of the second circuit, should be increased by the addition of another judge; in the second circuit, that two should be added; and that an intermediate appellate court should be formed in each circuit, to consist of the circuit judges and the circuit justice, and that in the event of the absence of either of these judges the place of the absent judge should be supplied by the judge of one of the district courts in the circuit. Such an appellate court could be safely invested with large jurisdiction, and its decisions would satisfy suitors in many cases where appeals would still be allowed to the Supreme Court. The expense incurred for this intermediate court will require a very moderate increase of the appropriations for the expenses of the Department of Justice. This recommendation is commended to the careful consideration of Congress.

It is evident that a delay of justice, in many instances oppressive and disastrous to suitors, now necessarily occurs in the Federal courts, which will in this way be remedied.

The report of the Secretary of the Interior presents an elaborate account of the operations of that Department during the past year. It gives me great pleasure to say that our Indian affairs appear to be in a more hopeful condition now than ever before. The Indians have made gratifying progress in agriculture, herding, and mechanical pursuits. Many who were a few years ago in hostile conflict with the Government are quietly settling down on farms where they hope to make their permanent homes, building houses and engaging in the occupations of civilized life. The introduction of the freighting business among them has been remarkably fruitful of good results, in giving many of them congenial and remunerative employment and in stimulating their ambition to earn their own support. Their honesty, fidelity, and efficiency as carriers are highly praised. The organization of a police force of Indians has been equally successful in maintaining law and order upon the reservations and in exercising a wholesome moral influence among the Indians themselves. I concur with the Secretary of the Interior in the recommendation that the pay of this force be increased, as an inducement to the best class of young men to enter it.

Much care and attention has been devoted to the enlargement of educational facilities for the Indians. The means available for this important object have been very inadequate. A few additional boarding schools at Indian agencies have been established and the erection of buildings has been begun for several more; but an increase of the appropriations for this interesting undertaking is greatly needed to accommodate the large number of Indian children of school age. The number offered by their parents from all parts of the country for education in the Government schools is much larger than can be accommodated with the means at present available for that purpose. The number of Indian pupils at the normal school at Hampton, Va., under the direction of General Armstrong, has been considerably increased, and their progress is highly encouraging. The Indian school established by the Interior Department in 1879 at Carlisle, Pa., under the direction of Captain Pratt, has been equally successful. It has now nearly 200 pupils of both sexes, representing a great variety of the tribes east of the Rocky Mountains. The pupils in both these institutions receive not only an elementary English education, but are also instructed in housework, agriculture, and useful mechanical pursuits. A similar school was established this year at Forest Grove, Oreg., for the education of Indian youth on the Pacific Coast. In addition to this, thirty-six Indian boys and girls were selected from the Eastern Cherokees and placed in boarding schools in North Carolina, where they are to receive an elementary English education and training in industrial pursuits. The interest shown by Indian parents, even among the so-called wild tribes, in the education of their children is very gratifying, and gives promise that the results accomplished by the efforts now making will be of lasting benefit.

The expenses of Indian education have so far been drawn from the permanent civilization fund at the disposal of the Department of the Interior, but the fund is now so much reduced that the continuance of this beneficial work will in the future depend on specific appropriations by Congress for the purpose; and I venture to express the hope that Congress will not permit institutions so fruitful of good results to perish for want of means for their support. On the contrary, an increase of the number of such schools appears to me highly advisable.

The past year has been unusually free from disturbances among the Indian tribes. An agreement has been made with the Utes by which they surrender their large reservation in Colorado in consideration of an annuity to be paid to them, and agree to settle in severalty on certain lands designated for that purpose, as farmers, holding individual title to their land in fee simple, inalienable for a certain period. In this way a costly Indian war has been avoided, which at one time seemed imminent, and for the first time in the history of the country an Indian nation has given up its tribal existence to be settled in severalty and to live as individuals under the common protection of the laws of the country.

The conduct of the Indians throughout the country during the past year, with but few noteworthy exceptions, has been orderly and peaceful. The guerrilla warfare carried on for two years by Victoria and his band of Southern Apaches has virtually come to an end by the death of that chief and most of his followers on Mexican soil. The disturbances caused on our northern frontier by Sitting Bull and his men, who had taken refuge in the British dominions, are also likely to cease. A large majority of his followers have surrendered to our military forces, and the remainder are apparently in progress of disintegration.

I concur with the Secretary of the Interior in expressing the earnest hope that Congress will at this session take favorable action on the bill providing for the allotment of lands on the different reservations in severalty to the Indians, with patents conferring fee-simple title inalienable for a certain period, and the eventual disposition of the residue of the reservations for general settlement, with the consent and for the benefit of the Indians, placing the latter under the equal protection of the laws of the country. This measure, together with a vigorous prosecution of our educational efforts, will work the most important and effective advance toward the solution of the Indian problem, in preparing for the gradual merging of our Indian population in the great body of American citizenship.

A large increase is reported in the disposal of public lands for settlement during the past year, which marks the prosperous growth of our agricultural industry and a vigorous movement of population toward our unoccupied lands. As this movement proceeds, the codification of our land laws, as well as proper legislation to regulate the disposition of public lands, become of more pressing necessity, and I therefore invite the consideration of Congress to the report and the accompanying draft of a bill made by the Public Lands Commission, which were communicated by me to Congress at the last session. Early action upon this important subject is highly desirable.

The attention of Congress is again asked to the wasteful depredations committed on our public timber lands and the rapid and indiscriminate destruction of our forests. The urgent necessity for legislation to this end is now generally recognized. In view of the lawless character of the depredations committed and the disastrous consequences which will inevitably follow their continuance, legislation has again and again been recommended to arrest the evil and to preserve for the people of our Western States and Territories the timber needed for domestic and other essential uses.

The report of the Director of the Geological Survey is a document of unusual interest. The consolidation of the various geological and geographical surveys and exploring enterprises, each of which has heretofore operated upon an independent plan, without concert, can not fail to be of great benefit to all those industries of the country which depend upon the development of our mineral resources. The labors of the scientific men, of recognized merit, who compose the corps of the Geological Survey, during the first season of their field operations and inquiries, appear to have been very comprehensive, and will soon be communicated to Congress in a number of volumes. The Director of the Survey recommends that the investigations carried on by his bureau, which so far have been confined to the so-called public-land States and Territories, be extended over the entire country, and that the necessary appropriation be made for this purpose. This would be particularly beneficial to the iron, coal, and other mining interests of the Mississippi Valley and of the Eastern and Southern States. The subject is commended to the careful consideration of Congress.

The Secretary of the Interior asks attention to the want of room in the public buildings of the capital, now existing and in progress of construction, for the accommodation of the clerical force employed and of the public records. Necessity has compelled the renting of private buildings in different parts of the city for the location of public offices, for which a large amount of rent is annually paid, while the separation of offices belonging to the same Department impedes the transaction of current business. The Secretary suggests that the blocks surrounding Lafayette Square on the east, north, and west be purchased as the sites for new edifices for the accommodation of the Government offices, leaving the square itself intact, and that if such buildings were constructed upon a harmonious plan of architecture they would add much to the beauty of the national capital, and would, together with the Treasury and the new State, Navy, and War Department building, form one of the most imposing groups of public edifices in the world.

The Commissioner of Agriculture expresses the confident belief that his efforts in behalf of the production of our own sugar and tea have been encouragingly rewarded. The importance of the results attained have attracted marked attention at home and have received the special consideration of foreign nations. The successful cultivation of our own tea and the manufacture of our own sugar would make a difference of many millions of dollars annually in the wealth of the nation.

The report of the Commissioner asks attention particularly to the continued prevalence of an infectious and contagious cattle disease known and dreaded in Europe and Asia as cattle plague, or pleuro-pneumonia. A mild type of this disease in certain sections of our country is the occasion of great loss to our farmers and of serious disturbance to our trade with Great Britain, which furnishes a market for most of our live stock and dressed meats. The value of neat cattle exported from the United States for the eight months ended August 31, 1880, was more than $12,000,000, and nearly double the value for the same period in 1879—an unexampled increase of export trade. Your early attention is solicited to this important matter.

The Commissioner of Education reports a continued increase of public interest in educational affairs, and that the public schools generally throughout the country are well sustained. Industrial training is attracting deserved attention, and colleges for instruction, theoretical and practical, in agriculture and mechanic arts, including the Government schools recently established for the instruction of Indian youth, are gaining steadily in public estimation. The Commissioner asks special attention to the depredations committed on the lands reserved for the future support of public instruction, and to the very great need of help from the nation for schools in the Territories and in the Southern States. The recommendation heretofore made is repeated and urged, that an educational fund be set apart from the net proceeds of the sales of the public lands annually, the income of which and the remainder of the net annual proceeds to be distributed on some satisfactory plan to the States and the Territories and the District of Columbia.

The success of the public schools of the District of Columbia, and the progress made, under the intelligent direction of the board of education and the superintendent, in supplying the educational requirements of the

District with thoroughly trained and efficient teachers, is very gratifying. The acts of Congress, from time to time, donating public lands to the several States and Territories in aid of educational interests have proved to be wise measures of public policy, resulting in great and lasting benefit. It would seem to be a matter of simple justice to extend the benefits of this legislation, the wisdom of which has been so fully vindicated by experience, to the District of Columbia.

I again commend the general interests of the District of Columbia to the favorable consideration of Congress. The affairs of the District, as shown by the report of the Commissioners, are in a very satisfactory condition.

In my annual messages heretofore and in my special message of December 19, 1879, I have urged upon the attention of Congress the necessity of reclaiming the marshes of the Potomac adjacent to the capital, and I am constrained by its importance to advert again to the subject. These flats embrace an area of several hundred acres. They are an impediment to the drainage of the city and seriously impair its health. It is believed that with this substantial improvement of its river front the capital would be in all respects one of the most attractive cities in the world. Aside from its permanent population, this city is necessarily the place of residence of persons from every section of the country engaged in the public service. Many others reside here temporarily for the transaction of business with the Government.

It should not be forgotten that the land acquired will probably be worth the cost of reclaiming it and that the navigation of the river will be greatly improved. I therefore again invite the attention of Congress to the importance of prompt provision for this much needed and too long delayed improvement.

The water supply of the city is inadequate. In addition to the ordinary use throughout the city, the consumption by Government is necessarily very great in the navy-yard, arsenal, and the various Departments, and a large quantity is required for the proper preservation of the numerous parks and the cleansing of sewers. I recommend that this subject receive the early attention of Congress, and that in making provision for an increased supply such means be adopted as will have in view the future growth of the city. Temporary expedients for such a purpose can not but be wasteful of money, and therefore unwise. A more ample reservoir, with corresponding facilities for keeping it filled, should, in my judgment, be constructed. I commend again to the attention of Congress the subject of the removal from their present location of the depots of the several railroads entering the city; and I renew the recommendations of my former messages in behalf of the erection of a building for the Congressional Library, the completion of the Washington Monument, and of liberal appropriations in support of the benevolent, reformatory, and penal institutions of the District.

RUTHERFORD B. HAYES.

SPECIAL MESSAGES.

WASHINGTON, *December 9, 1880.*

To the Senate of the United States:

I transmit to the Senate, for its consideration with a view to ratification, a convention for the establishment, on fixed and uniform bases, of the exercise of the right of protection in Morocco, and for the settlement of certain questions connected therewith, between His Excellency the President of the United States of America; His Majesty the Emperor of Germany, King of Prussia; His Majesty the Emperor of Austria, King of Hungary; His Majesty the King of the Belgians; His Majesty the King of Denmark; His Majesty the King of Spain; His Excellency the President of the French Republic; Her Majesty the Queen of the United Kingdom of Great Britain and Ireland; His Majesty the King of Italy; His Majesty the Sultan of Morocco; His Majesty the King of the Netherlands; His Majesty the King of Portugal and the Algarves, and His Majesty the King of Sweden and Norway, signed at Madrid on the 3d day of July last.

R. B. HAYES.

EXECUTIVE MANSION, *December 13, 1880.*

To the Senate of the United States:

The accompanying documents, received from the Commissioner of Agriculture, are transmitted to the Senate in reply to the resolution of the 7th instant, relating to contagious diseases of cattle.

R. B. HAYES.

EXECUTIVE MANSION,
Washington, January 5, 1881.

To the Senate of the United States:

I transmit, for the consideration of the Senate with a view to ratification, a convention between the United States of America and the Empire of Japan, providing for the reimbursement of certain specified expenses which may be incurred by either country in consequence of the shipwreck on its coasts of the vessels of the other.

R. B. HAYES.

EXECUTIVE MANSION, *January 5, 1881.*

To the Senate of the United States:

In response to the resolution of the Senate of June 21, 1879, I herewith transmit reports* received from the Secretary of the Interior and the Secretary of War.

R. B. HAYES.

---

*Transmitting statements of the number of soldiers and civilians killed and wounded, number of Indians killed, value of property destroyed, and expenses incurred by the United States in certain Indian wars from 1865 to 1879.

EXECUTIVE MANSION,
Washington, January 10, 1881.

To the Senate of the United States:

I transmit herewith, for the consideration of the Senate, two treaties* signed at Peking on the 17th of November, 1880, by the commissioners plenipotentiary of the United States and China, respectively, together with a letter of the Secretary of State in relation thereto, and accompanying papers.

R. B. HAYES.

EXECUTIVE MANSION,
Washington, January 10, 1881.

To the House of Representatives:

I submit herewith, for the information of the House of Representatives, copies of correspondence with the Department of State relating to an invitation extended by the French Republic to this Government to send one or more delegates to represent it at an international congress of electricians to be held at Paris on the 15th day of September, 1881. It appears from the same correspondence that an international exhibition of electricity is to be held at the palace of the Champs Élysées, in Paris, from August 15, 1881, to the 15th of November following, and it is therefore suggested by the French authorities that it might be well to invest the delegates selected to take part in the international congress with the additional character of commissioners to the international exhibition of electricity.

In view of the important scientific, industrial, and commercial interests designed to be promoted by the proposed international congress of electricians and exhibition of electricity, I submit the subject to your favorable consideration and recommend that a suitable appropriation be made to enable this Government to accept the foregoing invitation by appointing one or more delegates to attend the congress in question.

R. B. HAYES.

EXECUTIVE MANSION,
Washington, January 18, 1881.

To the Senate and House of Representatives:

I have the honor to submit herewith the report of the Public Lands Commission, embracing the history and a codification of the public-land laws; and I desire earnestly to invite the attention of Congress to this important subject.

R. B. HAYES.

---

*(1) Regulation of Chinese immigration into the United States; (2) commercial intercourse and judicial procedure.

EXECUTIVE MANSION,
WASHINGTON, *January 20, 1881.*

To the Senate of the United States:

I transmit herewith to the Senate a letter from the Secretary of State, with accompanying papers, in relation to the recent effort of the Government of the United States to bring about peace between Chile and Peru and Bolivia.

R. B. HAYES.

EXECUTIVE MANSION, *February 1, 1881.*

To the Senate and House of Representatives:

In compliance with the request of a large number of intelligent and benevolent citizens, and believing that it was warranted by the extraordinary circumstances of the case, on the 18th day of December, 1880, I appointed a commission consisting of George Crook and Nelson A. Miles, brigadier-generals in the Army; William Stickney, of the District of Columbia, and Walter Allen, of Massachusetts, and requested them to confer with the Ponca Indians in the Indian Territory, and, if in their judgment it was advisable, also with that part of the tribe which remained in Dakota, and "to ascertain the facts in regard to their removal and present condition so far as was necessary to determine the question as to what justice and humanity required should be done by the Government of the United States, and to report their conclusions and recommendations in the premises."

The commission, in pursuance of these instructions, having visited the Ponca Indians at their homes in the Indian Territory and in Dakota and made a careful investigation of the subject referred to them, have reported their conclusions and recommendations, and I now submit their report, together with the testimony taken, for the consideration of Congress. A minority report by Mr. Allen is also herewith submitted.

On the 27th of December, 1880, a delegation of Ponca chiefs from the Indian Territory presented to the Executive a declaration of their wishes, in which they stated that it was their desire "to remain on the lands now occupied by the Poncas in the Indian Territory" and "to relinquish all their right and interest in the lands formerly owned and occupied by the Ponca tribe in the State of Nebraska and the Territory of Dakota;" and the declaration sets forth the compensation which they will accept for the lands to be surrendered and for the injuries done to the tribe by their removal to the Indian Territory. This declaration, agreeably to the request of the chiefs making it, is herewith transmitted to Congress.

The public attention has frequently been called to the injustice and wrong which the Ponca tribe of Indians has suffered at the hands of the Government of the United States. This subject was first brought before

Congress and the country by the Secretary of the Interior in his annual report for the year 1877, in which he said:

> The case of the Poncas seems entitled to especial consideration at the hands of Congress. They have always been friendly to the whites. It is said, and, as far as I have been able to learn, truthfully, that no Ponca ever killed a white man. The orders of the Government have always met with obedient compliance at their hands. Their removal from their old homes on the Missouri River was to them a great hardship. They had been born and raised there. They had houses there in which they lived according to their ideas of comfort. Many of them had engaged in agriculture and possessed cattle and agricultural implements. They were very reluctant to leave all this, but when Congress had resolved upon their removal they finally overcame that reluctance and obeyed. Considering their constant good conduct, their obedient spirit, and the sacrifices they have made, they are certainly entitled to more than ordinary care at the hands of the Government, and I urgently recommend that liberal provision be made to aid them in their new settlement.

In the same volume the report of E. A. Howard, the agent of the Poncas, is published, which contains the following:

* * * * * * *

> I am of the opinion that the removal of the Poncas from the northern climate of Dakota to the southern climate of the Indian Territory at the season of the year it was done will prove a mistake, and that a great mortality will surely follow among the people when they shall have been here for a time and become poisoned with the malaria of the climate. Already the effects of the climate may be seen upon them in the *ennui* that seems to have settled upon each and in the large number now sick.
>
> It is a matter of astonishment to me that the Government should have ordered the removal of the Ponca Indians from Dakota to the Indian Territory without having first made some provision for their settlement and comfort. Before their removal was carried into effect an appropriation should have been made by Congress sufficient to have located them in their new home, by building a comfortable house for the occupancy of every family of the tribe. As the case now is, no appropriation has been made by Congress, except for a sum but little more than sufficient to remove them; no houses have been built for their use, and the result is that these people have been placed on an uncultivated reservation to live in their tents as best they may, and await further legislative action.

* * * * * * *

> These Indians claim that the Government had no right to move them from their reservation without first obtaining from them by purchase or treaty the title which they had acquired from the Government, and for which they rendered a valuable consideration. They claim that the date of the settlement of their tribe upon the land composing their old reservation is prehistoric; that they were all born there, and that their ancestors from generations back beyond their knowledge were born and lived upon its soil, and that they finally acquired a complete and perfect title from the Government by a treaty made with the "Great Father" at Washington, which they claim made it as legitimately theirs as is the home of the white man acquired by gift or purchase.

* * * * * * *

The subject was again referred to in similar terms in the annual report of the Interior Department for 1878, in the reports of the Commissioner of Indian Affairs and of the agent for the Poncas, and in 1879 the Secretary of the Interior said:

> That the Poncas were grievously wronged by their removal from their location on the Missouri River to the Indian Territory, their old reservation having, by a mistake

in making the Sioux treaty, been transferred to the Sioux, has been at length and repeatedly set forth in my reports, as well as those of the Commissioner of Indian Affairs. All that could be subsequently done by this Department in the absence of new legislation to repair that wrong and to indemnify them for their losses has been done with more than ordinary solicitude. They were permitted to select a new location for themselves in the Indian Territory, the Quapaw Reserve, to which they had first been taken, being objectionable to them. They chose a tract of country on the Arkansas River and the Salt Fork northwest of the Pawnee Reserve. I visited their new reservation personally to satisfy myself of their condition. The lands they now occupy are among the very best in the Indian Territory in point of fertility, well watered and well timbered, and admirably adapted for agriculture as well as stock raising. In this respect their new reservation is unquestionably superior to that which they left behind them on the Missouri River. Seventy houses have been built by and for them, of far better quality than the miserable huts they formerly occupied in Dakota, and the construction of a larger number is now in progress, so that, as the agent reports, every Ponca family will be comfortably housed before January. A very liberal allowance of agricultural implements and stock cattle has been given them, and if they apply themselves to agricultural work there is no doubt that their condition will soon be far more prosperous than it has ever been before. During the first year after their removal to the Indian Territory they lost a comparatively large number of their people by death, in consequence of the change of climate, which is greatly to be deplored; but their sanitary condition is now very much improved. The death rate among them during the present year has been very low, and the number of cases of sickness is constantly decreasing. It is thought that they are now sufficiently acclimated to be out of danger.

* * * * * * *

A committee of the Senate, after a very full investigation of the subject, on the 31st of May, 1880, reported their conclusions to the Senate, and both the majority and minority of the committee agreed that "a great wrong had been done to the Ponca Indians." The majority of the committee say:

* * * * * * *

> Nothing can strengthen the Government in a just policy to the Indians so much as a demonstration of its willingness to do ample and complete justice whenever it can be shown that it has inflicted a wrong upon a weak and trusting tribe. It is impossible for the United States to hope for any confidence to be reposed in them by the Indians until there shall be shown on their part a readiness to do justice.

The minority report is equally explicit as to the duty of the Government to repair the wrong done the Poncas. It says:

* * * * * * *

> We should be more prompt and anxious because they are weak and we are strong. In my judgment we should be liberal to the verge of lavishness in the expenditure of our money to improve their condition, so that they and all others may know that, although, like all nations and all men, we may do wrong, we are willing to make ample reparation.

The report of the commission appointed by me, of which General Crook was chairman, and the testimony taken by them and their investigations, add very little to what was already contained in the official reports of the Secretary of the Interior and the report of the Senate committee touching the injustice done to the Poncas by their removal to the Indian Territory. Happily, however, the evidence reported by the commission and their recommendations point out conclusively the true measures of redress which the Government of the United States ought now to adopt.

The commission in their conclusions omit to state the important facts as to the present condition of the Poncas in the Indian Territory, but the evidence they have reported shows clearly and conclusively that the Poncas now residing in that Territory, 521 in number, are satisfied with their new homes; that they are healthy, comfortable, and contented, and that they have freely and firmly decided to adhere to the choice announced in their letter of October 25, 1880, and in the declaration of December 27, 1880, to remain in the Indian Territory and not to return to Dakota.

The evidence reported also shows that the fragment of the Ponca tribe—perhaps 150 in number—which is still in Dakota and Nebraska prefer to remain on their old reservation.

In view of these facts I am convinced that the recommendations of the commission, together with the declaration of the chiefs of December last, if substantially followed, will afford a solution of the Ponca question which is consistent with the wishes and interests of both branches of the tribe, with the settled Indian policy of the Government, and, as nearly as is now practicable, with the demands of justice.

Our general Indian policy for the future should embrace the following leading ideas:

1. The Indians should be prepared for citizenship by giving to their young of both sexes that industrial and general education which is required to enable them to be self-supporting and capable of self-protection in a civilized community.

2. Lands should be allotted to the Indians in severalty, inalienable for a certain period.

3. The Indians should have a fair compensation for their lands not required for individual allotments, the amount to be invested, with suitable safeguards, for their benefit.

4. With these prerequisites secured, the Indians should be made citizens and invested with the rights and charged with the responsibilities of citizenship.

It is therefore recommended that legislation be adopted in relation to the Ponca Indians, authorizing the Secretary of the Interior to secure to the individual members of the Ponca tribe, in severalty, sufficient land for their support, inalienable for a term of years and until the restriction upon alienation may be removed by the President. Ample time and opportunity should be given to the members of the tribe freely to choose their allotments either on their old or their new reservation.

Full compensation should be made for the lands to be relinquished, for their losses by the Sioux depredations and by reason of their removal to the Indian Territory, the amount not to be less than the sums named in the declaration of the chiefs made December 27, 1880.

In short, nothing should be left undone to show to the Indians that the Government of the United States regards their rights as equally sacred with those of its citizens.

The time has come when the policy should be to place the Indians as rapidly as practicable on the same footing with the other permanent inhabitants of our country.

I do not undertake to apportion the blame for the injustice done to the Poncas. Whether the Executive or Congress or the public is chiefly in fault is not now a question of practical importance. As the Chief Executive at the time when the wrong was consummated, I am deeply sensible that enough of the responsibility for that wrong justly attaches to me to make it my particular duty and earnest desire to do all I can to give to these injured people that measure of redress which is required alike by justice and by humanity.

RUTHERFORD B. HAYES.

EXECUTIVE MANSION,
Washington, February 2, 1881.

To the House of Representatives:

I transmit herewith, for consideration and appropriate action by Congress, a letter from the Secretary of the Navy, in relation to the proposed establishment of naval stations of the United States on the American Isthmus. In this paper the current testimony of prominent officers of this Government for a long series of years, as to the feasibility and necessity of establishing such stations and the great advantage to flow therefrom to the naval and commercial interests of the United States, is clearly set forth, and the considerations adduced can not but commend themselves, I am confident, to the careful attention of Congress. Convinced of the wisdom and propriety of the suggestions thus presented, I recommend to Congress the appropriation of the sum named by the Secretary of the Navy, to be at his disposal at once, for expenditure as soon as suitable arrangements can be made to the proposed end.

R. B. HAYES.

EXECUTIVE MANSION, *February 4, 1881.*

To the Senate and House of Representatives:

I herewith transmit a communication from the Secretary of the Navy, with reference to the dispatch of a vessel for the relief of the *Jeannette* polar expedition, and commend the recommendations of the Secretary to the prompt and favorable action of Congress.

R. B. HAYES.

EXECUTIVE MANSION, *February 14, 1881.*

To the Senate and House of Representatives:

I herewith transmit the final report addressed to me by the commissioners appointed under the act of Congress approved July 19, 1876, authorizing the repavement of that part of Pennsylvania avenue lying between the Treasury Department and the Capitol Grounds.

R. B. HAYES.

WASHINGTON, *February 17, 1881.*

To the House of Representatives:

I transmit herewith a report of the Secretary of State, in response to the resolution addressed to him by the House of Representatives of the 31st of January ultimo, on the subject of international action for the restoration of silver to full use as money.

The prospect of an early international conference, promising valuable results in accordance with the interests of this country, is such that I recommend to the immediate attention of Congress an appropriation providing for the proper representation of this Government at such conference.

R. B. HAYES.

WASHINGTON, *February 21, 1881.*

To the Senate of the United States:

In compliance with the resolution of the Senate of 15th of June, 1880, requesting the Secretary of State to report to that body at its next regular session what changes, if any, of the laws regulating the management of the Department of State, or of the divisions and the bureaus thereof, are necessary or would be beneficial in promoting the efficiency or economy of its administration or management, and also to make report concerning the mode of keeping the departmental accounts, the checks and safeguards upon expenditures, and the administrative or clerical changes for the better which may suggest themselves as expedient, I transmit herewith a report from the Secretary of State upon the subjects embraced in that resolution so far as they touch the Department of State.

R. B. HAYES.

EXECUTIVE MANSION, *February 25, 1881.*

To the Senate of the United States:

I transmit herewith, for the consideration of the Senate with a view to advising and consenting to the ratification thereof, a convention for the extradition of criminals, between the United States of America and the United States of Colombia, signed at Bogotá on the 3d of January, 1881. I also transmit certain correspondence touching the negotiation of said convention.

R. B. HAYES.

EXECUTIVE MANSION,
Washington, February 25, 1881.

To the Senate of the United States:

I transmit herewith to the Senate, for its consideration with a view to ratification in due course, a convention supplementary to the consular convention of May 8, 1878, between the United States of America and His Majesty the King of Italy, concluded in the city of Washington on the 24th of February, 1881.

R. B. HAYES.

EXECUTIVE MANSION, *February 28, 1881.*

To the Senate of the United States:

I transmit herewith a copy of proclamation* for the convening of an extra session of the Senate of the United States at the Capitol, in the city of Washington, on the 4th day of March next, at noon.

R. B. HAYES.

EXECUTIVE MANSION, *February 28, 1881.*

To the Senate and House of Representatives:

I transmit herewith a copy of a letter addressed to the chairman of the Civil Service Commission on the 3d of December last, requesting to be furnished with a report upon the result in the post-office and customhouse in the city of New York of the application of the civil-service rules requiring open competitive examinations for appointments and promotions, together with the report of Hon. Dorman B. Eaton, the chairman of the Commission, in response.

The report presents a very gratifying statement of the results of the application of the rules referred to in the two largest and most important local offices in the civil service of the Government. The subject is one of great importance to the people of the whole country. I would commend the suggestions and recommendation of the chairman of the Commission to the careful consideration of Congress.

R. B. HAYES.

EXECUTIVE MANSION,
Washington, February 28, 1881.

To the Senate of the United States:

I transmit herewith, in answer to the resolution of the Senate of the 20th ultimo, a report from the Secretary of State, with accompanying papers.†

R. B. HAYES.

---

*See pp. 4591-4592.

†Correspondence relative to the sending to the United States by foreign governments of criminals, paupers, and insane persons.

EXECUTIVE MANSION, *March 3, 1881.*

To the Senate of the United States:

I have the honor to inform the Senate that Hon. Benjamin Harrison, Senator elect from the State of Indiana, has resigned his office as a member of the Commission for the Improvement of the Mississippi River, and the same has been accepted to take effect March 3, 1881.

R. B. HAYES.

EXECUTIVE MANSION, *March 3, 1881.*

To the Senate of the United States:

I have the honor to inform the Senate that Hon. John Sherman, Senator elect from the State of Ohio, has resigned the position of Secretary of the Treasury, and that said resignation has been accepted to take effect at the close of the present day.

R. B. HAYES.

VETO MESSAGE.

EXECUTIVE MANSION, *March 3, 1881.*

To the House of Representatives:

Having considered the bill entitled "An act to facilitate the refunding of the national debt," I am constrained to return it to the House of Representatives, in which it originated, with the following statement of my objections to its passage:

The imperative necessity for prompt action and the pressure of public duties in this closing week of my term of office compel me to refrain from any attempt to make a full and satisfactory presentation of the objections to the bill.

The importance of the passage at the present session of Congress of a suitable measure for the refunding of the national debt which is about to mature is generally recognized. It has been urged upon the attention of Congress by the Secretary of the Treasury and in my last annual message. If successfully accomplished, it will secure a large decrease in the annual interest payment of the nation, and I earnestly recommend, if the bill before me shall fail, that another measure for this purpose be adopted before the present Congress adjourns.

While, in my opinion, it would be unwise to authorize the Secretary of the Treasury, in his discretion, to offer to the public bonds bearing 3½ per cent interest in aid of refunding, I should not deem it my duty to interpose my constitutional objection to the passage of the present bill if it did not contain, in its fifth section, provisions which, in my judgment, seriously impair the value and tend to the destruction of the present national banking system of the country. This system has now been in operation almost twenty years. No safer or more beneficial banking system was ever established. Its advantages as a business are free to all who have the necessary capital. It furnishes a currency to the public which for convenience and security of the bill holder has probably never been equaled by that of any other banking system. Its notes are secured by the deposit with the Government of the interest-bearing bonds of the United States.

The section of the bill before me which relates to the national banking system, and to which objection is made, is not an essential part of a refunding measure. It is as follows:

> SEC. 5. From and after the 1st day of July, 1881, the 3 per cent bonds authorized by the first section of this act shall be the only bonds receivable as security for national-bank circulation or as security for the safe-keeping and prompt payment of the public money deposited with such banks; but when any such bonds deposited for the purposes aforesaid shall be designated for purchase or redemption by the Secretary of the Treasury, the banking association depositing the same shall have the right to substitute other issues of the bonds of the United States in lieu thereof: *Provided*, That no bond upon which interest has ceased shall be accepted or shall be continued on deposit as security for circulation or for the safe-keeping of the public money; and in case bonds so deposited shall not be withdrawn, as provided by law, within thirty days after the interest has ceased thereon, the banking association depositing the same shall be subject to the liabilities and proceedings on the part of the Comptroller provided for in section 5234 of the Revised Statutes of the United States: *And provided further*, That section 4 of the act of June 20, 1874, entitled "An act fixing the amount of United States notes, providing for a redistribution of the national-bank currency, and for other purposes," be, and the same is hereby, repealed, and sections 5159 and 5160 of the Revised Statutes of the United States be, and the same are hereby, reenacted.

Under this section it is obvious that no additional banks will hereafter be organized, except possibly in a few cities or localities where the prevailing rates of interest in ordinary business are extremely low. No new banks can be organized and no increase of the capital of existing banks can be obtained except by the purchase and deposit of 3 per cent bonds. No other bonds of the United States can be used for the purpose. The one thousand millions of other bonds recently issued by the United States, and bearing a higher rate of interest than 3 per cent, and therefore a better security for the bill holder, can not after the 1st of July next be received as security for bank circulation. This is a radical change in the banking law. It takes from the banks the right they have heretofore had under the law to purchase and deposit as security for their circulation any of the bonds issued by the United States, and deprives the bill holder of the best security which the banks are able to give by requiring them to deposit bonds having the least value of any bonds issued by the Government.

The average rate of taxation of capital employed in banking is more than double the rate of taxation upon capital employed in other legitimate business. Under these circumstances, to amend the banking law so as to deprive the banks of the privilege of securing their notes by the most valuable bonds issued by the Government will, it is believed, in a large part of the country, be a practical prohibition of the organization of new banks and prevent the existing banks from enlarging their capital. The national banking system, if continued at all, will be a monopoly in the hands of those already engaged in it, who may purchase the Government bonds bearing a more favorable rate of interest than the 3 per cent bonds prior to next July.

To prevent the further organization of banks is to put in jeopardy the whole system, by taking from it that feature which makes it, as it now is, a banking system free upon the same terms to all who wish to engage in it. Even the existing banks will be in danger of being driven from business by the additional disadvantages to which they will be subjected by this bill. In short, I can not but regard the fifth section of the bill as a step in the direction of the destruction of the national banking system.

Our country, after a long period of business depression, has just entered upon a career of unexampled prosperity.

The withdrawal of the currency from circulation of the national banks, and the enforced winding up of the banks in consequence, would inevitably bring serious embarrassment and disaster to the business of the country. Banks of issue are essential instruments of modern commerce. If the present efficient and admirable system of banking is broken down, it will inevitably be followed by a recurrence to other and inferior methods of banking. Any measure looking to such a result will be a disturbing element in our financial system. It will destroy confidence and surely check the growing prosperity of the country.

Believing that a measure for refunding the national debt is not necessarily connected with the national banking law, and that any refunding act would defeat its own object if it imperiled the national banking system or seriously impaired its usefulness, and convinced that section 5 of the bill before me would, if it should become a law, work great harm, I herewith return the bill to the House of Representatives for that further consideration which is provided for in the Constitution.

RUTHERFORD B. HAYES.

PROCLAMATION.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas objects of interest to the United States require that the Senate should be convened at 12 o'clock on the 4th of March next to receive and act upon such communications as may be made to it on the part of the Executive:

Now, therefore, I, Rutherford B. Hayes, President of the United States, have considered it to be my duty to issue this my proclamation, declaring that an extraordinary occasion requires the Senate of the United States to convene for the transaction of business at the Capitol, in the city of Washington, on the 4th day of March next, at 12 o'clock at noon on that day, of which all who shall at that time be entitled to act as members of that body are hereby required to take notice.

Given under my hand and the seal of the United States, at Washington, the 28th day of February, A. D. 1881, and of the Independence of the United States of America the one hundred and fifth.

[SEAL.]

R. B. HAYES.

By the President:

WM. M. EVARTS,
Secretary of State.

EXECUTIVE ORDER.

EXECUTIVE MANSION,
Washington, February 22, 1881.

The SECRETARY OF WAR:

In view of the well-known fact that the sale of intoxicating liquors in the Army of the United States is the cause of much demoralization among both officers and men, and that it gives rise to a large proportion of the cases before general and garrison courts-martial, involving great expense and serious injury to the service—

It is therefore directed, That the Secretary of War take suitable steps, as far as practicable consistently with vested rights, to prevent the sale of intoxicating liquors as a beverage at the camps, forts, and other posts of the Army.

R. B. HAYES.

QUESTIONS.

1. What were Hayes' strong pleas for the encouragement of Agriculture, and what former President did he quote? Pages 4457, 4530.

2. What were the President's views as to the occupancy of Indian Territory? Pages 4499, 4550.

3. Why did Hayes veto the standard silver dollar coinage bill? Page 4438.

4. What were the restrictions on Chinese Immigration? Page 4466.

5. Did Hayes approve military interference at elections? Page 4484.

SUGGESTIONS.

The work of reconstruction of Southern States necessarily continued, and called for action by President Hayes. Pages 4394, 4410, 4445.

The tariff question became especially prominent during Hayes' administration. Pages 4422, 4511.

As a forerunner of the free silver agitation, the Bland-Allison Act was passed in 1878. (See Bland-Allison Act, with references, Encyclopedic Index. Also see Bland Dollar, Encyclopedic Index.)

Read President Hayes' views on the question of refunding the national debt. Page 4589. (See Refunding, Encyclopedic Index.)

Read Hayes' Foreign Policy. Pages 4418, 4420.

NOTE.

For further suggestions on Hayes' administration see Hayes, Rutherford B., Encyclopedic Index.

By reading the Foreign Policy of each President, and by scanning the messages as to the state of the nation, a thorough knowledge of the history of the United States will be acquired from the most authentic sources; because, as has been said, "Each President reviews the past, depicts the present and forecasts the future of the nation."

James A. Garfield

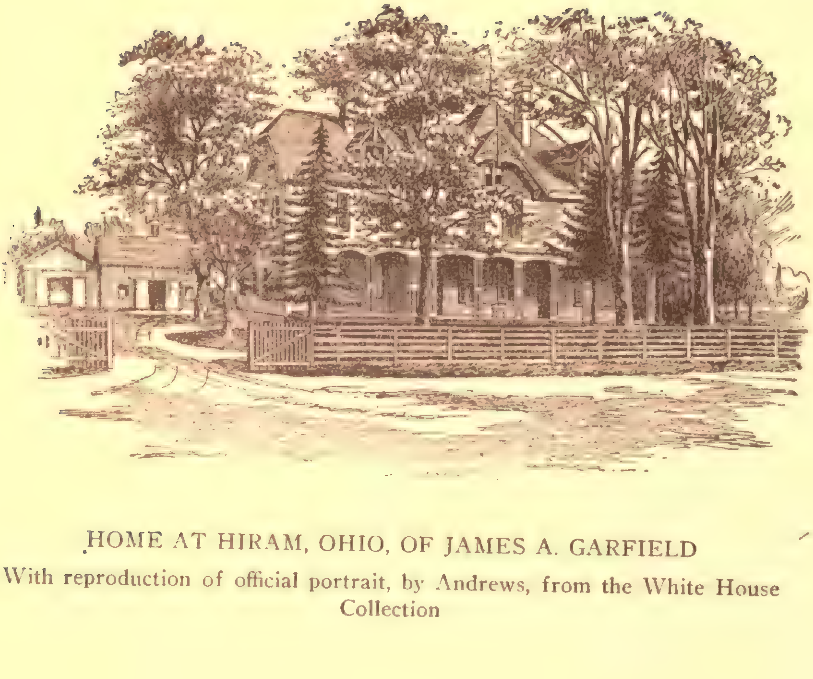
March 4, 1881, to September 19, 1881

SEE ENCYCLOPEDIC INDEX.

The Encyclopedic Index is not only an index to the other volumes, not only a key that unlocks the treasures of the entire publication, but it is in itself an alphabetically arranged brief history or story of the great controlling events constituting the History of the United States.

Under its proper alphabetical classification the story is told of every great subject referred to by any of the Presidents in their official Messages, and at the end of each article the official utterances of the Presidents themselves are cited upon the subject, so that you may readily turn to the page in the body of the work itself for this original information.

Next to the possession of knowledge is the ability to turn at will to where knowledge is to be found.



HOME AT HIRAM, OHIO, OF JAMES A. GARFIELD

With reproduction of official portrait, by Andrews, from the White House Collection

J. A. Garfield

GARFIELD

In one of his speeches delivered in the National House of Representatives in 1866, Garfield said: "To all our means of culture is added the powerful incentive to personal ambition which springs from the genius of our Government. The pathway to honorable distinction lies open to all. No post of honor is so high but the poorest may hope to reach it. It is the pride of every American that many distinguished names at whose mention our hearts beat with a quicker bound were worn by the sons of poverty, who conquered obscurity and became fixed stars in our firmament." These words, uttered at a time when Garfield's splendid career was not yet in its opening stages, impart a forcible intimation of one of the marked characteristics of his earnest and determined nature, namely, his clear conception of the opportunities afforded to young men of the present time by our republican form of government and the guaranty it gives of equal rights to all. By these words he evidenced the fact that he had grasped the possibilities of individual attainment, and was imbued with the spirit of our institutions. He knew the possibilities of his own life, and possessed a serene confidence that his country would offer opportunities for their realization.

He never underestimated, and was always quick to see the value of an opportunity. Whatever he set out to do he did with his might. He did not believe in luck. His estimate of a man was based upon his capacity for hard work. Every effort of life, whether public or private, was to him an opportunity for the emulation of a lofty ideal.

On entering Congress he was immediately recognized as a political force. His first utterance secured the attention of every member. Not possessing the tricks of oratory, he had what is better, the profoundness of logic. Sweeping aside the misty film which shrouded a subject under discussion, he made plain and bare the intricate matter it contained, and in terse, eloquent sentences he forced his conclusions. When he had finished, the discussion was ended.

He was a recognized leader. He was master of all subjects. While he adorned every discussion with his eloquence, he enforced his views with incontrovertible argument. He saw and improved opportunities as they came, and day after day he grew in intellectual vigor and political strength until his reputation became national and his ability commanded universal confidence and respect.

In reaching this eminence he never crawled an inch. He moved upward as the eagle goes to the mountain top. Dignified, but not ostentatious, frank but not blunt, reserved but not austere, patient and laborious, he conquered all conditions, surmounted all obstacles and survived all vicissitudes. When the hand of the assassin laid him low, the characteristics that made him great in life gave the touch of beauty and sublimity to his noble spirit through the closing hours that resulted in death.

Throughout his life he had ever aimed to merit his own self-respect and the approval of his Maker. Accepting his election as United States Senator, in a speech to the Ohio legislature he said: "I have represented for many years a district in Congress whose approbation I greatly desired; but, though it may seem, perhaps, a little egotistical to say it, I yet desired still more the approbation of one person and his name is Garfield."

The abrupt and untimely ending of his career was a sad blow to the country, and a most bitter affliction to his many friends. It removed from our midst in the very prime of usefulness and ability one of the most complete and representative types of human character that our immediate civilization has produced. As we scan the eventful life of this Colossus of men, and consider the unrealized possibilities of his magnificent career, had Fate decreed for him the usual span of earthly existence, we cannot but feel that an irreparable loss was sustained in his death.

By reason of the exalted station he had attained and the extraordinary force and energy of his splendid manhood, great expectations were entertained by all, and especially by those who knew him best, of the good that would come to the country at large as well as to its individual citizens as the result of his further public services.

It is not too much to say that President Garfield's administration, had his term of office extended the full period, by reason of the policies he represented, and the plans contemplated, for the development of our resources and the advancement of our position as a commercial nation, would have been one of the most notable and progressive in American history.

Chas. Dick.

LUCRETIA RUDOLPH GARFIELD

LUCRETIA RUDOLPH, born in Hiram, Ohio, married James Abram Garfield in 1868, soon after he became President of Hiram College, where both studied. The marriage was ideal, his wife's intelligent sympathy and co-operative ability aiding greatly in his advancement to his high office. Through the terrible ordeal of his assassination, painful illness and death, Mrs. Garfield was vastly sustained by her power of self-control. Her short stay at the White House proved her tactful and cordial in dispensing public and private hospitality, gaining for her the nation's love and sympathy in her sorrow. President Garfield's was the first mother of a President to reside at the Executive Mansion, although others had seen their sons thus honored. A fund of over three hundred and fifty thousand dollars was partially raised for the Garfield family before the President's death, and the knowledge of this fact was a great comfort to him in his dying moments.

James A. Garfield

James Abram Garfield was born in Orange, Cuyahoga County, Ohio, November 19, 1831. His father, Abram Garfield, was a native of New York, but of Massachusetts ancestry; descended from Edward Garfield, an English Puritan, who in 1630 was one of the founders of Watertown. His mother, Eliza Ballou, was born in New Hampshire, of a Huguenot family that fled from France to New England after the revocation of the Edict of Nantes in 1685. Garfield, therefore, was from lineage well represented in the struggles for civil and religious liberty, both in the Old and in the New World. His father moved to Ohio in 1830 and settled in what was then known as the "Wilderness," now as the "Western Reserve," which was occupied by Connecticut people. He died at the age of 33, leaving a widow and four small children, of whom James was the youngest. Mrs. Garfield brought up her family unaided, and impressed upon them a high standard of moral and intellectual worth. James attended school in a log hut at the age of 3 years, learned to read, and began that habit of omnivorous reading which ended only with his life. At 10 years of age was accustomed to manual labor, helping out his mother's meager income by work at home or on the farms of the neighbors. Attended the district school in the winter months, made good progress, and was conspicuous for his assiduity. At the age of 14 had a fair knowledge of arithmetic and grammar, and was particularly apt in the facts of American history. His imagination was especially kindled by tales of the sea, and he so far yielded to his love of adventure that in 1848 he went to Cleveland and proposed to ship as a sailor on board a lake schooner. Seeing that this life was not the romance he had conceived, he turned promptly from the lake; but loath to return home without adventure and without money, he drove some months for a boat on the Ohio Canal, when he was promoted from the towpath to the boat. Attended the Geauga Seminary at Chester, Ohio, during the winter of 1849–50. In the vacations learned and practiced the trade of a carpenter, helped at harvest, taught—did anything and everything to earn money to pay for his schooling. After the first term he asked and needed no aid from home; he had reached the point where he could support himself. Was converted under the instructions of a Christian preacher, was baptized and received into that denomination. As soon as he finished his studies in Chester entered (1851) the Hiram Eclectic Institute (now Hiram College), at Hiram, Portage County, Ohio, the principal educational institution of his church. He was not very quick of acquisition, but his perseverance was indomitable and he soon had an excellent knowledge of Latin and a fair acquaintance with algebra, natural philosophy, and botany. His superiority was easily recognized in the prayer meetings and debating societies of the college, where he was assiduous and conspicuous. Living here was inexpensive, and he readily made his expenses by teaching in the English departments, and also gave instruction in the ancient languages. Entered Williams College in the autumn of 1854, and graduated with the highest honors in the class of 1856. Returned to Ohio and resumed his place as a teacher of Latin and Greek at Hiram Institute, and the next year, being then only 26 years of age, was made its president. The regulations and practices of his church, known as the Christian Church, or Church of the Disciples, permitted him to preach, and he used the permission. He also pursued the study of law, entering his name in 1858 as a student in a law office in Cleveland, but studying in Hiram. Cast his first vote in 1856 for John C. Frémont, the first Republican candidate for the Presidency. Married Lucretia Rudolph November 11, 1858. In 1859 was chosen to represent the counties of Summit and Portage in the Ohio senate. In August, 1861, Governor William Dennison commissioned him lieutenant-colonel in the Forty-second Regiment Ohio Volunteers. Was promoted to the command of this regiment. In December, 1861, reported to General Buell in Louisville, Ky. Was given a brigade and assigned the difficult task of driving the Confederate general Humphrey Marshall from eastern Kentucky. General Garfield triumphed over the Confederate forces at the battle of Middle Creek, January 10, 1862, and in recognition of his services was made a brigadier-general by President Lincoln. During the campaign of the Big Sandy, while Garfield was engaged in breaking up some scattered Confederate encampments, his supplies gave out and he was threatened with starvation. Going himself to the Ohio River, he seized a steamer, loaded it with provisions, and on the refusal of any pilot to undertake the perilous voyage, because of a freshet that had swelled the river, he stood at the helm for forty-eight hours and piloted the craft through the dangerous channel. In order to surprise Marshall, then intrenched in Cumberland Gap, Garfield marched his soldiers 100 miles in four days through a blinding snowstorm. Returning to Louisville, he found that General Buell was away; overtook him at Columbia, Tenn., and was assigned to the command of the Twentieth Brigade. Reached Shiloh in time to take part in the second day's fight. Was engaged in all the operations in front of Corinth, and in June, 1862, rebuilt the bridges on the Memphis and Charleston Railroad, and exhibited noticeable engineering skill in repairing the fortifications of

Huntsville. Was granted leave of absence July 30, 1862, on account of ill health, and returned to Hiram, Ohio, where he lay ill for two months. Went to Washington on September 25, 1862, and was ordered on court-martial duty. November 25 was assigned to the case of General Fitz John Porter. In February, 1863, returned to duty under General Rosecrans, then in command of the Army of the Cumberland. Rosecrans made him his chief of staff, with responsibilities beyond those usually given to this office. In this field Garfield's influence on the campaign in middle Tennessee was most important. One familiar incident shows and justifies the great influence he wielded in its counsels. Before the battle of Chickamauga, June 24, 1863, General Rosecrans asked the written opinion of seventeen of his generals on the advisability of an immediate advance. All others opposed, but Garfield advised it, and his arguments were so convincing that Rosecrans determined to seek an engagement. General Garfield wrote out all the orders of that fateful day, September 19, excepting one, and that one was the blunder that lost the day. Garfield volunteered to take the news of the defeat on the right to General George H. Thomas, who held the left of the line. It was a bold ride, under constant fire, but he reached Thomas and gave the information that saved the Army of the Cumberland. For this action he was made a major-general September 19, 1863—promoted for gallantry on a field that was lost. Yielded to Mr. Lincoln's urgent request and on December 5, 1863, resigned his commission and hastened to Washington to sit in Congress, to which he had been chosen fifteen months before. Was offered a division in the Army of the Cumberland by General Thomas, but yielded to the representations of the President and Secretary Stanton that he would be more useful in the House of Representatives. Was placed on the Committee on Military Affairs, then the most important in Congress. In the Thirty-ninth Congress (1865) was changed, at his own request, from the Committee on Military Affairs to the Committee on Ways and Means. In the Fortieth Congress (1867) was restored to the Committee on Military Affairs and made its chairman. In the Forty-first Congress the Committee on Banking and Currency was created and he was made its chairman. Served also on the Select Committee on the Census and on the Committee on Rules. Was chairman of the Committee on Appropriations in the Forty-second and Forty-third Congresses. In the Forty-fourth, Forty-fifth, and Forty-sixth Congresses (the House being Democratic) was assigned to the Committee on Ways and Means. In 1876, at President Grant's request, went to New Orleans in company with Senators Sherman and Matthews and other Republicans, to watch the counting of the Louisiana vote. He made a special study of the West Feliciana Parish case, and embodied his views in a brief but significant report. In January, 1877, made two notable speeches in the House on the duty of Congress in a Presidential election, and claimed that the Vice-President had a constitutional right to count the electoral vote. Opposed the Electoral Commission, yet when the commission was ordered was chosen by acclamation to fill one of the two seats allotted to Republican Representatives. Mr. Blaine left the House for the Senate in 1877, and this made Mr. Garfield the undisputed leader of his party in the House. At this time and subsequently was its candidate for Speaker. Was elected to the United States Senate January 13, 1880. Attended the Republican convention which met at Chicago in June, 1880, where he opposed the renomination of President Grant and supported Senator Sherman. On the thirty-sixth ballot the delegates broke their ranks, and, rushing to General Garfield, he was unanimously nominated for President on June 8, 1880. Was elected November 2, 1880, receiving 214 electoral votes to 144 that were cast for Winfield S. Hancock. Was shot July 2, 1881, by an assassin in the Baltimore and Potomac Railroad station, in Washington, and died from the effects of the wound September 19 at Elberon, N. J. He was buried at Cleveland, Ohio.

INAUGURAL ADDRESS.

FELLOW-CITIZENS: We stand to-day upon an eminence which overlooks a hundred years of national life—a century crowded with perils, but crowned with the triumphs of liberty and law. Before continuing the onward march let us pause on this height for a moment to strengthen our faith and renew our hope by a glance at the pathway along which our people have traveled.

It is now three days more than a hundred years since the adoption of the first written constitution of the United States—the Articles of Confederation and Perpetual Union. The new Republic was then beset with danger on every hand. It had not conquered a place in the family of nations. The decisive battle of the war for independence, whose centennial anniversary will soon be gratefully celebrated at Yorktown, had not yet been fought. The colonists were struggling not only against the armies of a great nation, but against the settled opinions of mankind; for the world did not then believe that the supreme authority of government could be safely intrusted to the guardianship of the people themselves.

We can not overestimate the fervent love of liberty, the intelligent courage, and the sum of common sense with which our fathers made the great experiment of self-government. When they found, after a short trial, that the confederacy of States was too weak to meet the necessities of a vigorous and expanding republic, they boldly set it aside, and in its stead established a National Union, founded directly upon the will of the

HAYMARKET RIOTS

HAYMARKET RIOT.

1886 was a year of great labor unrest in the United States, and nowhere was this unrest more evident than in the city of Chicago, where a strike of freight-handlers disturbed all the industries of the city. On May 3, there occurred a conflict between the police and the strikers, in which several of the workingmen were wounded. On the next day, Anarchists called a meeting of protest in Haymarket Square, at which various speakers delivered incendiary speeches. When a speaker openly exhorted his hearers to resort to violence, the police tried to disperse the meeting, only to be met with a dynamite bomb which killed and wounded a number of the officers and bystanders. Seven anarchists were tried for murder as a result of the bomb-throwing, of whom four were hanged, one committed suicide, and two were sentenced to jail terms, only to be pardoned some years later. The excitement aroused by the "Haymarket Riot" was intense over the entire country, and for a long time feeling against anarchists ran high. (See Haymarket Riot, Encyclopedic Index.)

people, endowed with full power of self-preservation and ample authority for the accomplishment of its great object.

Under this Constitution the boundaries of freedom have been enlarged, the foundations of order and peace have been strengthened, and the growth of our people in all the better elements of national life has indicated the wisdom of the founders and given new hope to their descendants. Under this Constitution our people long ago made themselves safe against danger from without and secured for their mariners and flag equality of rights on all the seas. Under this Constitution twenty-five States have been added to the Union, with constitutions and laws, framed and enforced by their own citizens, to secure the manifold blessings of local self-government.

The jurisdiction of this Constitution now covers an area fifty times greater than that of the original thirteen States and a population twenty times greater than that of 1780.

The supreme trial of the Constitution came at last under the tremendous pressure of civil war. We ourselves are witnesses that the Union emerged from the blood and fire of that conflict purified and made stronger for all the beneficent purposes of good government.

And now, at the close of this first century of growth, with the inspirations of its history in their hearts, our people have lately reviewed the condition of the nation, passed judgment upon the conduct and opinions of political parties, and have registered their will concerning the future administration of the Government. To interpret and to execute that will in accordance with the Constitution is the paramount duty of the Executive.

Even from this brief review it is manifest that the nation is resolutely facing to the front, resolved to employ its best energies in developing the great possibilities of the future. Sacredly preserving whatever has been gained to liberty and good government during the century, our people are determined to leave behind them all those bitter controversies concerning things which have been irrevocably settled, and the further discussion of which can only stir up strife and delay the onward march.

The supremacy of the nation and its laws should be no longer a subject of debate. That discussion, which for half a century threatened the existence of the Union, was closed at last in the high court of war by a decree from which there is no appeal—that the Constitution and the laws made in pursuance thereof are and shall continue to be the supreme law of the land, binding alike upon the States and the people. This decree does not disturb the autonomy of the States nor interfere with any of their necessary rights of local self-government, but it does fix and establish the permanent supremacy of the Union.

The will of the nation, speaking with the voice of battle and through the amended Constitution, has fulfilled the great promise of 1776 by proclaiming "liberty throughout the land to all the inhabitants thereof."

The elevation of the negro race from slavery to the full rights of citizenship is the most important political change we have known since the adoption of the Constitution of 1787. No thoughtful man can fail to appreciate its beneficent effect upon our institutions and people. It has freed us from the perpetual danger of war and dissolution. It has added immensely to the moral and industrial forces of our people. It has liberated the master as well as the slave from a relation which wronged and enfeebled both. It has surrendered to their own guardianship the manhood of more than 5,000,000 people, and has opened to each one of them a career of freedom and usefulness. It has given new inspiration to the power of self-help in both races by making labor more honorable to the one and more necessary to the other. The influence of this force will grow greater and bear richer fruit with the coming years.

No doubt this great change has caused serious disturbance to our Southern communities. This is to be deplored, though it was perhaps unavoidable. But those who resisted the change should remember that under our institutions there was no middle ground for the negro race between slavery and equal citizenship. There can be no permanent disfranchised peasantry in the United States. Freedom can never yield its fullness of blessings so long as the law or its administration places the smallest obstacle in the pathway of any virtuous citizen.

The emancipated race has already made remarkable progress. With unquestioning devotion to the Union, with a patience and gentleness not born of fear, they have "followed the light as God gave them to see the light." They are rapidly laying the material foundations of self-support, widening their circle of intelligence, and beginning to enjoy the blessings that gather around the homes of the industrious poor. They deserve the generous encouragement of all good men. So far as my authority can lawfully extend, they shall enjoy the full and equal protection of the Constitution and the laws.

The free enjoyment of equal suffrage is still in question, and a frank statement of the issue may aid its solution. It is alleged that in many communities negro citizens are practically denied the freedom of the ballot. In so far as the truth of this allegation is admitted, it is answered that in many places honest local government is impossible if the mass of uneducated negroes are allowed to vote. These are grave allegations. So far as the latter is true, it is the only palliation that can be offered for opposing the freedom of the ballot. Bad local government is certainly a great evil, which ought to be prevented; but to violate the freedom and sanctities of the suffrage is more than an evil. It is a crime which, if persisted in, will destroy the Government itself. Suicide is not a remedy. If in other lands it be high treason to compass the death of the king, it shall be counted no less a crime here to strangle our sovereign power and stifle its voice.

It has been said that unsettled questions have no pity for the repose of nations. It should be said with the utmost emphasis that this question of the suffrage will never give repose or safety to the States or to the nation until each, within its own jurisdiction, makes and keeps the ballot free and pure by the strong sanctions of the law.

But the danger which arises from ignorance in the voter can not be denied. It covers a field far wider than that of negro suffrage and the present condition of the race. It is a danger that lurks and hides in the sources and fountains of power in every state. We have no standard by which to measure the disaster that may be brought upon us by ignorance and vice in the citizens when joined to corruption and fraud in the suffrage.

The voters of the Union, who make and unmake constitutions, and upon whose will hang the destinies of our governments, can transmit their supreme authority to no successors save the coming generation of voters, who are the sole heirs of sovereign power. If that generation comes to its inheritance blinded by ignorance and corrupted by vice, the fall of the Republic will be certain and remediless.

The census has already sounded the alarm in the appalling figures which mark how dangerously high the tide of illiteracy has risen among our voters and their children.

To the South this question is of supreme importance. But the responsibility for the existence of slavery did not rest upon the South alone. The nation itself is responsible for the extension of the suffrage, and is under special obligations to aid in removing the illiteracy which it has added to the voting population. For the North and South alike there is but one remedy. All the constitutional power of the nation and of the States and all the volunteer forces of the people should be surrendered to meet this danger by the savory influence of universal education.

It is the high privilege and sacred duty of those now living to educate their successors and fit them, by intelligence and virtue, for the inheritance which awaits them.

In this beneficent work sections and races should be forgotten and partisanship should be unknown. Let our people find a new meaning in the divine oracle which declares that "a little child shall lead them," for our own little children will soon control the destinies of the Republic.

My countrymen, we do not now differ in our judgment concerning the controversies of past generations, and fifty years hence our children will not be divided in their opinions concerning our controversies. They will surely bless their fathers and their fathers' God that the Union was preserved, that slavery was overthrown, and that both races were made equal before the law. We may hasten or we may retard, but we can not prevent, the final reconciliation. Is it not possible for us now to make a truce with time by anticipating and accepting its inevitable verdict?

Enterprises of the highest importance to our moral and material well-being unite us and offer ample employment of our best powers. Let all our people, leaving behind them the battlefields of dead issues, move forward and in their strength of liberty and the restored Union win the grander victories of peace.

The prosperity which now prevails is without parallel in our history. Fruitful seasons have done much to secure it, but they have not done all. The preservation of the public credit and the resumption of specie payments, so successfully attained by the Administration of my predecessors, have enabled our people to secure the blessings which the seasons brought.

By the experience of commercial nations in all ages it has been found that gold and silver afford the only safe foundation for a monetary system. Confusion has recently been created by variations in the relative value of the two metals, but I confidently believe that arrangements can be made between the leading commercial nations which will secure the general use of both metals. Congress should provide that the compulsory coinage of silver now required by law may not disturb our monetary system by driving either metal out of circulation. If possible, such an adjustment should be made that the purchasing power of every coined dollar will be exactly equal to its debt-paying power in all the markets of the world.

The chief duty of the National Government in connection with the currency of the country is to coin money and declare its value. Grave doubts have been entertained whether Congress is authorized by the Constitution to make any form of paper money legal tender. The present issue of United States notes has been sustained by the necessities of war; but such paper should depend for its value and currency upon its convenience in use and its prompt redemption in coin at the will of the holder, and not upon its compulsory circulation. These notes are not money, but promises to pay money. If the holders demand it, the promise should be kept.

The refunding of the national debt at a lower rate of interest should be accomplished without compelling the withdrawal of the national-bank notes, and thus disturbing the business of the country.

I venture to refer to the position I have occupied on financial questions during a long service in Congress, and to say that time and experience have strengthened the opinions I have so often expressed on these subjects.

The finances of the Government shall suffer no detriment which it may be possible for my Administration to prevent.

The interests of agriculture deserve more attention from the Government than they have yet received. The farms of the United States afford homes and employment for more than one-half our people, and furnish much the largest part of all our exports. As the Government lights our coasts for the protection of mariners and the benefit of commerce, so it should give to the tillers of the soil the best lights of practical science and experience.

Our manufactures are rapidly making us industrially independent, and are opening to capital and labor new and profitable fields of employment. Their steady and healthy growth should still be matured. Our facilities for transportation should be promoted by the continued improvement of our harbors and great interior waterways and by the increase of our tonnage on the ocean.

The development of the world's commerce has led to an urgent demand for shortening the great sea voyage around Cape Horn by constructing ship canals or railways across the isthmus which unites the continents. Various plans to this end have been suggested and will need consideration, but none of them has been sufficiently matured to warrant the United States in extending pecuniary aid. The subject, however, is one which will immediately engage the attention of the Government with a view to a thorough protection to American interests. We will urge no narrow policy nor seek peculiar or exclusive privileges in any commercial route; but, in the language of my predecessor, I believe it to be the right "and duty of the United States to assert and maintain such supervision and authority over any interoceanic canal across the isthmus that connects North and South America as will protect our national interest."

The Constitution guarantees absolute religious freedom. Congress is prohibited from making any law respecting an establishment of religion or prohibiting the free exercise thereof. The Territories of the United States are subject to the direct legislative authority of Congress, and hence the General Government is responsible for any violation of the Constitution in any of them. It is therefore a reproach to the Government that in the most populous of the Territories the constitutional guaranty is not enjoyed by the people and the authority of Congress is set at naught. The Mormon Church not only offends the moral sense of manhood by sanctioning polygamy, but prevents the administration of justice through ordinary instrumentalities of law.

In my judgment it is the duty of Congress, while respecting to the uttermost the conscientious convictions and religious scruples of every citizen, to prohibit within its jurisdiction all criminal practices, especially of that class which destroy the family relations and endanger social order. Nor can any ecclesiastical organization be safely permitted to usurp in the smallest degree the functions and powers of the National Government.

The civil service can never be placed on a satisfactory basis until it is regulated by law. For the good of the service itself, for the protection of those who are intrusted with the appointing power against the waste of time and obstruction to the public business caused by the inordinate pressure for place, and for the protection of incumbents against intrigue and wrong, I shall at the proper time ask Congress to fix the tenure of the minor offices of the several Executive Departments and prescribe the grounds upon which removals shall be made during the terms for which incumbents have been appointed.

Finally, acting always within the authority and limitations of the Constitution, invading neither the rights of the States nor the reserved rights of the people, it will be the purpose of my Administration to maintain the authority of the nation in all places within its jurisdiction; to enforce obedience to all the laws of the Union in the interests of the people; to demand rigid economy in all the expenditures of the Government, and to require the honest and faithful service of all executive officers, remembering that the offices were created, not for the benefit of incumbents or their supporters, but for the service of the Government.

And now, fellow-citizens, I am about to assume the great trust which you have committed to my hands. I appeal to you for that earnest and thoughtful support which makes this Government in fact, as it is in law, a government of the people.

I shall greatly rely upon the wisdom and patriotism of Congress and of those who may share with me the responsibilities and duties of administration, and, above all, upon our efforts to promote the welfare of this great people and their Government I reverently invoke the support and blessings of Almighty God.

MARCH 4, 1881.

SPECIAL MESSAGES.

EXECUTIVE MANSION,
Washington, April 6, 1881.

To the Senate of the United States:

I transmit herewith, in response to the resolution of the Senate of the 18th ultimo, a report of the Secretary of State, with accompanying papers, in relation to the capitulations of the Ottoman Empire.

JAMES A. GARFIELD.

EXECUTIVE MANSION,
Washington, May 20, 1881.

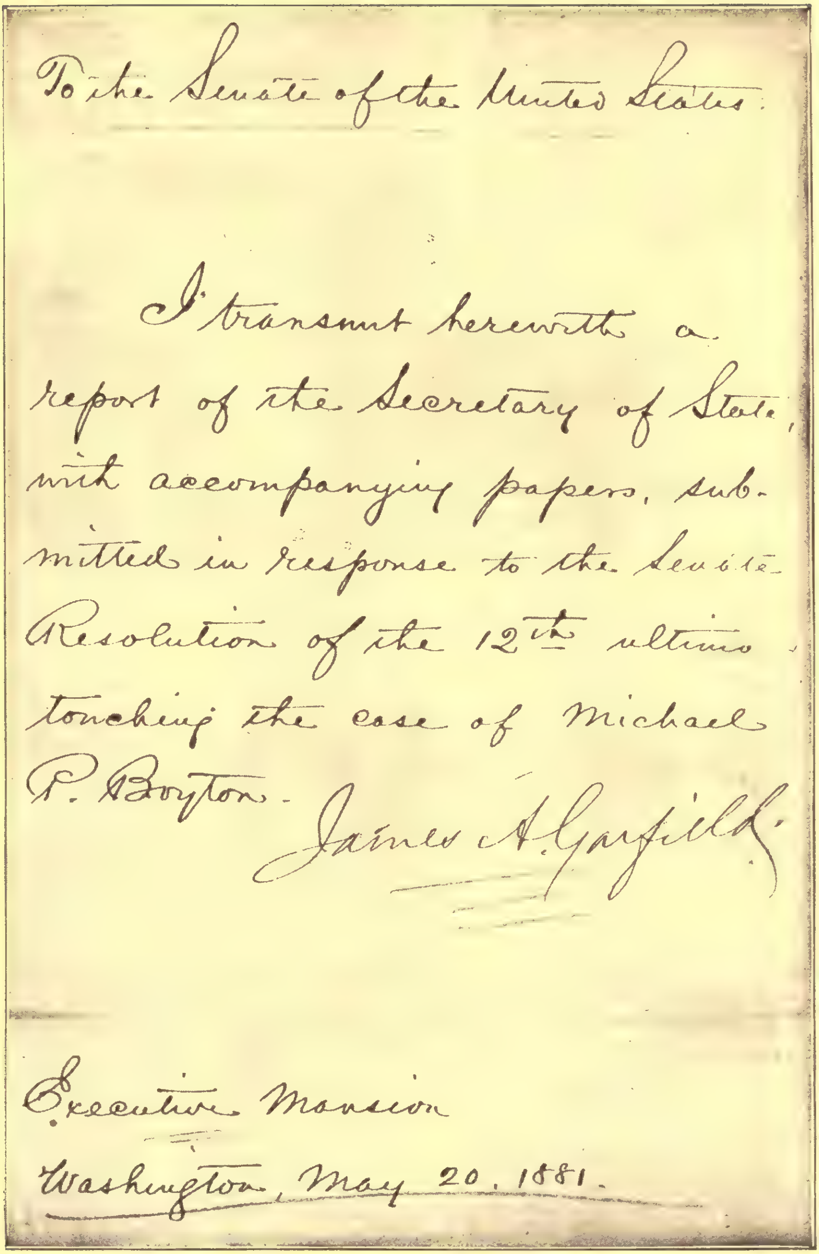
To the Senate of the United States:

I transmit herewith a report of the Secretary of State, with accompanying papers, submitted in response to the Senate resolution of the 12th ultimo, touching the case of Michael P. Boyton.*

JAMES A. GARFIELD

---

*Arrested and imprisoned by authorities of Great Britain.



To the Senate of the United States.

I transmit herewith a report of the Secretary of State, with accompanying papers, submitted in response to the Senate Resolution of the 12th ultimo touching the case of Michael P. Boynton.

James A. Garfield.

Executive Mansion
Washington, May 20, 1881.

A NOTE TO THE SENATE BY PRESIDENT GARFIELD.

EXECUTIVE ORDER.

EXECUTIVE MANSION,
Washington, May 28, 1881.

DEAR SIR:* I am directed by the President to inform you that the several Departments of the Government will be closed on Monday, the 30th instant, to enable the employees to participate in the decoration of the graves of the soldiers who fell during the rebellion.

Very respectfully,
J. STANLEY BROWN, *Private Secretary.*

DEATH OF PRESIDENT GARFIELD.

ANNOUNCEMENT OF THE ASSASSINATION TO REPRESENTATIVES OF THE UNITED STATES ABROAD.

[From the Washington Post, July 3, 1881.]

DEPARTMENT OF STATE,
Washington, July 2, 1881.

JAMES RUSSELL LOWELL,
Minister, etc., London:

The President of the United States was shot this morning by an assassin named Charles Guiteau. The weapon was a large-sized revolver. The President had just reached the Baltimore and Potomac station, at about 9.20, intending, with a portion of his Cabinet, to leave on the limited express for New York. I rode in the carriage with him from the Executive Mansion and was walking by his side when he was shot. The assassin was immediately arrested, and the President was conveyed to a private room in the station building and surgical aid at once summoned. He has now, at 10.20, been removed to the Executive Mansion. The surgeons, on consultation, regard his wounds as very serious, though not necessarily fatal. His vigorous health gives strong hopes of his recovery. He has not lost consciousness for a moment. Inform our ministers in Europe.

JAMES G. BLAINE, *Secretary of State.*

PUBLIC ANNOUNCEMENT OF DEATH BY THE PHYSICIANS.

[From the New York Herald, September 20, 1881.]

ELBERON, N. J., *September 19—11.30 p. m.*

The President died at thirty-five minutes past 10 p. m. After the bulletin was issued at half past 5 this evening the President continued in much the same condition as during the afternoon, the pulse varying from 102 to 106, with rather increased force and volume. After taking nourishment he fell into a quiet sleep about thirty-five minutes before his death, and while asleep his pulse ran to 120 and was somewhat more feeble. At ten minutes after 10 o'clock he awoke, complaining of severe pain over the region of the heart, and almost immediately became unconscious, and ceased to breathe at twenty-five minutes to 11.

---

*Addressed to the heads of the Executive Departments, etc.

D. W. BLISS.
FRANK H. HAMILTON.
D. HAYES AGNEW.

ANNOUNCEMENT TO THE VICE-PRESIDENT.

[From the New-York Times, September 20, 1881.]

[LONG BRANCH, N. J., *September 19, 1881.*]

Hon. CHESTER A. ARTHUR,
No. 123 Lexington Avenue, New York:

It becomes our painful duty to inform you of the death of President Garfield and to advise you to take the oath of office as President of the United States without delay. If it concur with your judgment, we will be very glad if you will come here on the earliest train to-morrow morning.

WILLIAM WINDOM,
Secretary of the Treasury.
WILLIAM H. HUNT,
Secretary of the Navy.
THOMAS L. JAMES,
Postmaster-General.
WAYNE MACVEAGH
Attorney-General
S. J. KIRKWOOD,
Secretary of the Interior.

[The Secretaries of State and of War were absent from Long Branch.]

REPLY OF THE VICE-PRESIDENT.

[From the Evening Star, Washington, September 20, 1881.]

NEW YORK, *September 20, 1881.*[*]

I have your message announcing the death of President Garfield. Permit me to renew through you the expression of sorrow and sympathy which I have already telegraphed to Attorney-General MacVeagh. In accordance with your suggestion, I have taken the oath of office as President before the Hon. John R. Brady, justice of the supreme court of the State of New York. I will soon advise you further in regard to the other suggestion in your telegram.

C. A. ARTHUR.

---

[*] Addressed to the Cabinet.

ANNOUNCEMENT TO REPRESENTATIVES OF THE UNITED STATES ABROAD.

[From the Sun, New York, September 21, 1881.]

[LONG BRANCH, N. J., *September 20, 1881.*]

LOWELL, *Minister, London:*

James A. Garfield, President of the United States, died at Elberon, N. J., last night at ten minutes before 11 o'clock. For nearly eighty days he suffered great pain, and during the entire period exhibited extraordinary patience, fortitude, and Christian resignation. The sorrow throughout the country is deep and universal. Fifty millions of people stand as mourners by his bier. Today, at his residence in the city of New York, Chester A. Arthur, Vice-President, took the oath of office as President, to which he succeeds by virtue of the Constitution. President Arthur has entered upon the discharge of his duties. You will formally communicate these facts to the British Government and transmit this dispatch by telegraph to the American ministers on the Continent for like communication to the Governments to which they are respectively accredited.

BLAINE, *Secretary.*

ANNOUNCEMENT TO REPRESENTATIVES OF FOREIGN GOVERNMENTS IN THE UNITED STATES.

[From official records, Department of State.]

DEPARTMENT OF STATE,
Washington, September 20, 1881.

SIR: It is my sad duty to announce to you that the illness of the President of the United States, which you have followed with an anxiety similar of our own and a sympathy which you have repeately testified to this Department during the sorrowful period that has passed since he was shot by an assassin on the 2d of July, terminated last evening, when he expired at thirty-five minutes past 10 o'clock.

As soon as the order and details of the funeral ceremonies are arranged you will be duly informed thereof.

ROBERT R. HITT,
Acting Secretary.

ANNOUNCEMENT TO THE ARMY.

[From official records, War Department.]

GENERAL ORDERS, No. 71.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, September 20, 1881.

I. The following order of the Secretary of War announces to the Army the death of James A. Garfield, President of the United States:

WAR DEPARTMENT, *September 20, 1881.*

With profound sorrow the Secretary of War announces to the Army that James A. Garfield, President of the United States, died at Elberon,

N. J., at twenty-five minutes before 11 in the evening of September 19, 1881.

The great grief which is felt by the nation at the untimely death of the President will be especially felt by the Army, in whose service he bore so distinguished a part during the War of the Rebellion. In him the Army has lost a beloved Commander in Chief, friend, and former comrade.

Proper honors will be paid to the memory of the late Chief Magistrate of the nation at headquarters of each military department and division and at each military station.

The General of the Army will give the necessary instructions for carrying this order into effect.

ROBT. T. LINCOLN, *Secretary of War.*

II. On the day after the receipt of this order at the headquarters of military commands in the field, and at each military station, and at the Military Academy at West Point, the troops and cadets will be paraded at 10 o'clock a. m. and the order read to them, after which all labor for the day will cease.

At dawn of day thirteen guns will be fired at each military post, and afterwards at intervals of thirty minutes between the rising and setting sun a single gun, and at the close of the day a national salute of thirty-eight guns.

The national flag will be displayed at half-staff at the headquarters of the several military divisions and departments and at all military stations until the remains of the late Chief Magistrate are consigned to their final resting place at Cleveland, Ohio, at 2 p. m. on the 26th instant.

The officers of the Army of the United States will wear the badge of mourning on the left arm and on their swords and the colors of the regiments will be draped in mourning for the period of six months.

III. The following officers of the Army will, with a like number of officers of the Navy selected for the purpose, compose the guard of honor and accompany the remains of their late Commander in Chief from the national capital to Cleveland, Ohio, and continue with them until they are consigned to their final resting place: The General of the Army, Major-General Winfield S. Hancock, Quartermaster-General M. C. Meigs, Adjutant-General R. C. Drum, Inspector-General D. B. Sacket.

By command of General Sherman:

R. C. DRUM, *Adjutant-General.*

[From official records, War Department.]

GENERAL ORDERS, NO. 72.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, September 20, 1881.

The following order has been received from the War Department:

The Secretary of War announces to the Army that upon the death of James A. Garfield, President of the United States, Chester A. Arthur, Vice-President, on the 20th day of September, 1881, at his residence in the city of New York, took the oath of office as President of the United States, to which office he succeeded by virtue of the Constitution. President Arthur has entered upon the discharge of his official duties.

ROBT. T. LINCOLN,
Secretary of War.

By command of General Sherman:

R. C. DRUM, *Adjutant-General.*

ANNOUNCEMENT TO THE NAVY.

[From official records, Navy Department.]

GENERAL ORDER.

NAVY DEPARTMENT,
Washington, September 20, 1881.

The officers and men of the Navy and of the Marine Corps of the United States are hereby notified that President Garfield died at Long Branch on the 19th instant at 10 o'clock and 40 minutes p. m. Under the Constitution and laws of the Government Chester A. Arthur, then Vice-President, duly took the oath as President of the United States, and has entered upon the duties of that office. As President and Commander in Chief of the Navy of the United States he will be obeyed and respected by all persons connected with this Department. It is becoming that at a time when the heart of the nation is heavy with grief a proper expression should be given to the respect and affection so sincerely and universally entertained for the memory of the wise, patriotic, and noble Chief Magistrate who has departed this life under circumstances so distressing. To this end the officers of the Navy will see to it that all honors and ceremonies befitting the occasion are observed by their respective commands in accordance with the regulations of the service.

The offices of the Department will remain closed for all business during the time the remains of the President shall lie in state at the Capitol.

WILLIAM H. HUNT,
Secretary of the Navy.

[From official records, Navy Department.]

SPECIAL ORDER.

NAVY DEPARTMENT,
Washington, September 23, 1881.

Struck down by the hand of a cowardly assassin, in the day of his vigor and usefulness, on the eve of departure from the capital in search of much-needed rest from the toils and cares of office, our Chief Magistrate, President, and Commander in Chief, James A. Garfield, after bearing with heroic fortitude untold suffering, succumbed to the dread summons and yielded up his life at Elberon, N. J., on the evening of the 19th instant. The nation mourns its loss. The funeral services will take place at Cleveland, Ohio, on Monday, the 26th instant. It is eminently fit and proper that special honors should be paid to the memory of the late President on that day, and the Department therefore directs that at all naval stations and on board all vessels in commission the flags shall be at half-mast from sunrise to sunset and a gun fired every half hour during that period. The period of mourning by half-masted colors will cease at sunset. On foreign stations this order will be carried out on the day after its receipt. The navy-yards will be closed and all work suspended during the day. Officers of the Navy and Marine Corps will, as a further mark of respect, wear crape on the left arm and sword hilt for six months from the 20th instant.

ED. T. NICHOLS,
Acting Secretary of the Navy.

ACTION OF SENATORS AND OF REPRESENTATIVES ELECT IN WASHINGTON.

The members of the Senate and members elect of the House of Representatives in Washington held meetings on September 22 and selected the following gentlemen to accompany the remains of the late President to Cleveland, Ohio:

Senators Henry B. Anthony, of Rhode Island; John Sherman, of Ohio; Thomas F. Bayard, of Delaware; John J. Ingalls, of Kansas; James L. Pugh, of Alabama; Henry W. Blair, of New Hampshire; Johnson N. Camden, of West Virginia, and John T. Morgan, of Alabama.

Representatives elect John Randolph Tucker, of Virginia; John A. Kasson, of Iowa; Samuel J. Randall, of Pennsylvania; Frank Hiscock, of New York; Benjamin Wilson, of West Virginia; John R. Thomas, of Illinois; Amos Townsend, of Ohio, and Charles M. Shelley, of Alabama.

ORDERS OF THE HEADS OF THE EXECUTIVE DEPARTMENTS.

[From the National Republican, Washington, September 21, 1881.]

LONG BRANCH, *September 20.**

It has been agreed here by all the heads of Departments that the Departments shall remain closed from this time until the conclusion of President Garfield's funeral ceremonies in Washington, and it is understood that you will notify the acting heads of all Departments of this arrangement. * * *

ROBERT T. LINCOLN,
Secretary of War.

---

* Sent to the chief clerk of the War Department.

[From official records, Treasury Department.]

ORDER.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, D. C., September 20, 1881.

It is ordered, as a mark of respect to the memory of President Garfield, that the Treasury Department be closed during this day.

H. F. FRENCH,
Acting Secretary.

[From official records, Treasury Department.]

NOTICE.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, D. C., September 21, 1881.

As a token of respect to the memory of the late President, James A. Garfield, the Treasury Department will be closed to public business to-day at 12 o'clock noon, and remain closed Thursday and Friday, the 22d and 23d instant.

H. F. FRENCH,
Acting Secretary.

[From official records, Treasury Department.]

ORDER.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, D. C., September 24, 1881.

In accordance with the proclamation of the President* appointing Monday, the 26th day of September, as a day of humiliation and mourning, being the day of the burial of the late President, James A. Garfield, it is ordered that this Department be closed during that day.

H. F. FRENCH,
Acting Secretary.

[From official records, Post-Office Department.]

POST-OFFICE DEPARTMENT,
Washington, D. C., September 20, 1881.

Ordered, That, owing to the death of President James A. Garfield, this Department be closed for all public business until after the funeral party shall have left Washington for Ohio.

RICHD. A. ELMER,
Acting Postmaster-General

---

*See p. 4621.

[From official records, Post-Office Department.]

POST-OFFICE DEPARTMENT,
Washington, D. C., September 24, 1881.

Ordered, That, in conformity with the action of other executive branches of the Government, this Department be closed on Monday next, the 26th instant, and that the day be fittingly observed by all persons connected therewith as the occasion of the consignment to their final resting place of the remains of the late beloved and honored Chief Magistrate of the United States, James A. Garfield.

RICHD. A. ELMER, *Acting Postmaster-General.*

[From official records, Interior Department.]

ORDER.

DEPARTMENT OF THE INTERIOR,
Washington, September 20, 1881.

As a token of respect to the memory of the late President, James A. Garfield, the Department of the Interior and the several bureaus and offices thereof will be closed to public business until Saturday, the 24th instant.

A. BELL, *Acting Secretary.*

[From official records, Interior Department.]

ORDER.

DEPARTMENT OF THE INTERIOR,
Washington, September 24, 1881.

In pursuance of the proclamation of the President of the United States* appointing Monday, the 26th instant, as a day of humiliation and mourning for the death of the late President, this Department and the several bureaus and offices thereof will be closed to business on that day.

A. BELL, *Acting Secretary.*

FUNERAL ANNOUNCEMENT TO THE PUBLIC.

[From the New-York Times, September 21, 1881.]

[ELBERON, N. J., *September 20, 1881.*]

The remains of the late President of the United States will be removed to Washington by special train on Wednesday, September 21, leaving Elberon at 10 a. m. and reaching Washington at 4 p. m. Detachments from the United States Army and from the marines of the Navy will be in attendance on arrival at Washington to perform escort duty. The remains will lie in state in the Rotunda of the Capitol on Thursday and

---

*See p. 4621.

Friday, and will be guarded by deputations from the Executive Departments and by officers of the Senate and House of Representatives.

Religious ceremonies will be observed in the Rotunda at 3 o'clock on Friday afternoon. At 5 o'clock the remains will be transferred to the funeral car and be removed to Cleveland, Ohio, *via* the Pennsylvania Railroad, arriving there Saturday at 2 p. m. In Cleveland the remains will lie in state until Monday at 2 p. m., and be then interred in Lakeview Cemetery. No ceremonies are expected in the cities and towns along the route of the funeral train beyond the tolling of bells. Detailed arrangements for final sepulture are committed to the municipal authorities of Cleveland, under the direction of the executive of the State of Ohio.

JAMES G. BLAINE,
Secretary of State.

OFFICIAL ARRANGEMENTS FOR THE FUNERAL.

[From official records, War Department.]

ORDER OF ARRANGEMENT FOR THE FUNERAL AT WASHINGTON CITY OF JAMES A. GARFIELD, LATE PRESIDENT OF THE UNITED STATES.

The remains of the late President will lie in state in the Rotunda of the Capitol until 3 o'clock p. m. on Friday, the 23d instant, when they will be borne to the depot of the Baltimore and Potomac Railroad and thence conveyed to their final resting place at Cleveland, Ohio.

ORDER OF PROCESSION.

FUNERAL ESCORT.
(Under command of Brevet Major-General R. B. Ayres.)
Battalion of District of Columbia Volunteers.
Battalion of marines.
Battalion of foot artillery.
Battery of light artillery.

CIVIC PROCESSION.
(Under command of Chief Marshal Colonel Robert Boyd.)
Clergymen in attendance.
Physicians who attended the late President.

Guard of honor. Bearers.	Hearse.	Guard of honor. Bearers.

(The officers of the Army, Navy, and Marine Corps in the city, and not on duty with the troops forming the escort, in full dress, will form, right in front, on either side of the hearse—the Army on the right and the Navy and Marine Corps on the left—and compose the guard of honor.)

Family of the late President.
Relatives of the late President.
Ex-Presidents of the United States.
The President.
The Cabinet ministers.
The Diplomatic Corps.

The Chief Justice and Associate Justices of the Supreme Court of the United States
The Senators of the United States.
Members of the United States House of Representatives.
Governors of States and Territories and Commissioners of the District of Columbia.
The judges of the Court of Claims, the judiciary of the District of Columbia, and judges of the United States courts.
The Assistant Secretaries of State, Treasury, and Interior Departments.
The Assistant Postmasters-General.
The Solicitor-General and the Assistant Attorneys-General.
Organized societies.
Citizens and strangers.

The troops designated to form the escort will assemble on the east side of the Capitol and form line fronting the eastern portico of the Capitol precisely at 2 o'clock p. m. on Friday, the 23d instant.

The procession will move on the conclusion of the religious services at the Capitol (appointed to commence at 3 o'clock), when minute guns will be fired at the navy-yard by the vessels of war which may be in port, at Fort Myer, and by the battery of artillery stationed near the Capitol for that purpose. At the same hour the bells of the several churches, fire-engine houses, and the schoolhouses will be tolled.

The civic procession will form in accordance with directions to be given by the chief marshal.

The officers of the Army and Navy selected to compose the guard of honor and accompany the remains to their final resting place will assemble at 4 p. m. at the Baltimore and Potomac Railroad depot, where they will receive the body of the late President and deposit it in the car prepared for the purpose.

ROBERT T. LINCOLN,
Secretary of War.
WILLIAM H. HUNT,
Secretary of the Navy.
J. DENT,
President Board of Commissioners District of Columbia.

[From the Washington Post, September 23, 1881.]

CIRCULAR.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, September 22, 1881.

The officers of the Army in this city not otherwise ordered for special duty on this occasion will assemble in full uniform at 3 p. m. on the 23d instant on the east front of the Capitol and form line, right in front, on the right of the hearse, to act as a guard of honor to the remains of the late President of the United States from the Capitol to the Baltimore and Potomac Railroad depot.

By command of General Sherman:

R. C. DRUM, *Adjutant-General.*

ASSASSINATION OF GARFIELD—TRIAL OF THE ASSASSIN

TRIAL OF GARFIELD'S ASSASSIN.

Because of the enormity of the offense involved, the trial of Charles J. Guiteau for the assassination of Garfield was a very lengthy and careful affair. Although Garfield died on September 19, 1881, Guiteau was not finally declared guilty by a jury in the Washington courts until January 25, 1882. Guiteau, a disappointed office-seeker, was very abusive during the trial, and every effort was made to show that he was insane, but unsuccessfully. He was hanged on June 30, 1882.

[From records in possession of Colonel Amos Webster.]

GENERAL ORDERS, NO. 22.

ADJUTANT-GENERAL'S OFFICE,
DISTRICT OF COLUMBIA MILITIA,
September 21, 1881.

Pursuant to orders from the honorable Secretary of War, the troops comprising the militia of the District of Columbia will assemble in full-dress uniform at 3 p. m. on the 21st instant on Sixth street NW., the right resting on Pennsylvania avenue, the left extended south, to take part in and form a portion of the escort to the remains of the late President, and will also hold themselves in readiness to participate at the funeral ceremonies on Friday, the 23d instant. The formation will be as follows on both occasions:

Washington Light Infantry Corps, Captain W. G. Moore.
Union Veteran Corps, Captain S. E. Thomason.
National Rifles, Captain J. O. P. Burnside.
Washington Light Guards, Lieutenant F. S. Hodgson.
Butler Zouaves, Captain C. B. Fisher.
Capital City Guards, Captain W. S. Kelly.
Washington Cadets, Captain C. A. Dolan.

The officers of Light Battery A, District of Columbia Artillery, will report to adjutant-general District of Columbia Militia for duty as aids on both occasions.

A. WEBSTER,
Adjutant-General District of Columbia Militia.

[From records in possession of Colonel Amos Webster.]

GENERAL ORDER NO. 23.

ADJUTANT-GENERAL'S OFFICE,
DISTRICT OF COLUMBIA MILITIA,
September 22, 1881.

Pursuant to orders from the honorable Secretary of War, and in compliance with general order No. 22 from these headquarters, all the organizations comprising the militia of the District of Columbia will assemble in full-dress uniform at 2 p. m. on the 23d instant on the ground east of the Capitol, right resting on B street N., the left extending south, facing west. The formation will be the same as designated in general order No. 22. Upon their arrival on the ground designated each commanding officer will report in person to the commanding officer of the District Volunteers.

By order of the Commissioners of the District of Columbia:

AMOS WEBSTER,
Adjutant-General District of Columbia Militia, Commanding.

[From the Washington Post, September 23, 1881.]

SPECIAL ORDER.

NAVY DEPARTMENT,
Washington, September 22, 1881.

The officers of the Navy and Marine Corps on duty and resident in Washington will assemble to-morrow, the 23d instant, at 3 o'clock p. m., at the east front of the Capitol, in full dress, to accompany the remains of the late President Garfield to the Baltimore and Potomac Railroad depot.

Commander H. L. Howison, United States Navy, is hereby appointed adjutant, and will direct the formation of the officers of the Navy and Marine Corps.

ED. T. NICHOLS,
Acting Secretary of the Navy.

[From the Medical Record, New York, 1881, vol. 20, p. 364.]

OFFICIAL BULLETIN OF THE AUTOPSY ON THE BODY OF PRESIDENT GARFIELD.

The following official bulletin was prepared by the surgeons who have been in attendance upon the late President:

By previous arrangement a *post-mortem* examination of the body of President Garfield was made this afternoon in the presence and with the assistance of Drs. Hamilton, Agnew, Bliss, Barnes, Woodward, Reyburn, Andrew H. Smith, of Elberon, and Acting Assistant Surgeon D. S. Lamb, of the Army Medical Museum, of Washington. The operation was performed by Dr. Lamb. It was found that the ball, after fracturing the right eleventh rib, had passed through the spinal column in front of the spinal cord, fracturing the body of the first lumbar vertebra, driving a number of small fragments of bone into the adjacent soft parts, and lodging below the pancreas, about 2½ inches to the left of the spine and behind the peritoneum, where it had become completely encysted.

The immediate cause of death was secondary hemorrhage from one of the mesenteric arteries adjoining the track of the ball, the blood rupturing the peritoneum and nearly a pint escaping into the abdominal cavity. This hemorrhage is believed to have been the cause of the severe pain in the lower part of the chest complained of just before death. An abscess cavity 6 inches by 4 in dimensions was found in the vicinity of the gall bladder, between the liver and the transverse colon, which were strongly adherent. It did not involve the substance of the liver, and no communication was found between it and the wound.

A long suppurating channel extended from the external wound, between the loin muscles and the right kidney, almost to the right groin. This channel, now known to be due to the burrowing of pus from the wound, was supposed during life to have been the track of the ball.

On an examination of the organs of the chest evidences of severe bronchitis were found on both sides, with broncho-pneumonia of the lower portions of the right lung, and, though to a much less extent, of the left. The lungs contained no abscesses and the heart no clots. The liver was enlarged and fatty, but not from abscesses. Nor were any found in any other organ except the left kidney, which contained near its surface a small abscess about one-third of an inch in diameter.

In reviewing the history of the case in connection with the autopsy it is quite evident that the different suppurating surfaces, and especially the fractured, spongy tissue of the vertebræ, furnish a sufficient explanation of the septic condition which existed.

D. W. BLISS.
J. K. BARNES.
J. J. WOODWARD.
ROBERT REYBURN.
FRANK H. HAMILTON.
D. HAYES AGNEW.
ANDREW H. SMITH.
D. S. LAMB.

[SEPTEMBER 20, 1881.]

FORMAL OATH OF OFFICE ADMINISTERED TO PRESIDENT ARTHUR.

President Chester A. Arthur took the formal oath of office as President of the United States in the room of the Vice-President, in the Capitol, Thursday, September 22, 1881, at 12.10 o'clock p. m. Chief Justice Morrison R. Waite administered the oath prescribed by the Constitution in the presence of the members of the Cabinet, the Justices of the Supreme Court, ex-Presidents Grant and Hayes, General W. T. Sherman, and a number of Senators and Representatives.

[For Inaugural Address of President Arthur see pp. 33-34.]

ACTION OF CONGRESS.

President Arthur, in his first annual message to the first session of the Forty-seventh Congress, thus announced the death of his predecessor:

> An appalling calamity has befallen the American people since their chosen representatives last met in the halls where you are now assembled. We might else recall with unalloyed content the rare prosperity with which throughout the year the nation has been blessed. Its harvests have been plenteous; its varied industries have thriven; the health of its people has been preserved; it has maintained with foreign governments the undisturbed relations of amity and peace. For these manifestations of His favor we owe to Him who holds our destiny in His hands the tribute of our grateful devotion.

To that mysterious exercise of His will which has taken from us the loved and illustrious citizen who was but lately the head of the nation we bow in sorrow and submission.

The memory of his exalted character, of his noble achievements, and of his patriotic life will be treasured forever as a sacred possession of the whole people.

The announcement of his death drew from foreign governments and peoples tributes of sympathy and sorrow which history will record as signal tokens of the kinship of nations and the federation of mankind.

The Senate on December 6, 1881, adopted the following resolution:

Resolved, That a committee of six Senators be appointed on the part of the Senate to join such committee as may be appointed on the part of the House to consider and report by what token of respect and affection it may be proper for the Congress of the United States to express the deep sensibility of the nation to the event of the decease of the late President, James A. Garfield, and that so much of the message of the President as relates to that melancholy event be referred to said committee.

The committee on the part of the Senate, having been subsequently increased to eight, comprised the following-named gentlemen:

John Sherman, of Ohio; George H. Pendleton, of Ohio; Henry L. Dawes, of Massachusetts; Elbridge G. Lapham, of New York; Thomas F. Bayard, of Delaware; John T. Morgan, of Alabama; Omar D. Conger, of Michigan, and Joseph E. Brown, of Georgia.

The House of Representatives on December 6, 1881, passed the following resolution:

Resolved, That a committee of one member from each State represented in this House be appointed on the part of the House to join such committee as may be appointed on the part of the Senate to consider and report by what token of respect and affection it may be proper for the Congress of the United States to express the deep sensibility of the nation to the event of the decease of their late President, James Abram Garfield, and that so much of the message of the President as refers to that melancholy event be referred to said committee.

The committee on the part of the House of Representatives comprised the following-named gentlemen:

William McKinley, jr., of Ohio; Romualdo Pacheco, of California; James B. Belford, of Colorado; John T. Wait, of Connecticut; William H. Forney, of Alabama; Poindexter Dunn, of Arkansas; Edward L Martin, of Delaware; Robert H. M. Davidson, of Florida; Alexander H. Stephens, of Georgia; Joseph G. Cannon, of Illinois; Godlove S. Orth, of Indiana; John A. Kasson, of Iowa; John A. Anderson, of Kansas; John G. Carlisle, of Kentucky; Randall L. Gibson, of Louisiana; Nelson Dingley, jr., of Maine; Robert M. McLane, of Maryland; Benjamin W. Harris, of Massachusetts; Roswell G. Horr, of Michigan; Mark H. Dunnell, of Minnesota; Charles E. Hooker, of Mississippi; Nicholas Ford, of Missouri; Edward K. Valentine, of Nebraska; George W. Cassidy, of Nevada; Joshua G. Hall, of New Hampshire; John Hill, of New Jersey; Samuel S. Cox, of New York; Robert B. Vance, of North Carolina; Melvin C. George, of Oregon; Charles O'Neill, of Pennsylvania; Jonathan

Chace, of Rhode Island; D. Wyatt Aiken, of South Carolina; Augustus H. Pettibone, of Tennessee; Roger Q. Mills, of Texas; Charles H. Joyce, of Vermont; J. Randolph Tucker, of Virginia; Benjamin Wilson, of West Virginia, and Charles G. Williams, of Wisconsin.

The following concurrent resolutions were adopted by both Houses of Congress on December 21, 1881:

Whereas the melancholy event of the violent and tragic death of James Abram Garfield, late President of the United States, having occurred during the recess of Congress, and the two Houses sharing in the general grief and desiring to manifest their sensibility upon the occasion of the public bereavement: Therefore

Be it resolved by the House of Representatives (*the Senate concurring*), That the two Houses of Congress will assemble in the Hall of the House of Representatives on a day and hour to be fixed and announced by the joint committee, and that in the presence of the two Houses there assembled an address upon the life and character of James Abram Garfield, late President of the United States, be pronounced by Hon. James G. Blaine, and that the President of the Senate *pro tempore* and the Speaker of the House of Representatives be requested to invite the President and ex-Presidents of the United States, the heads of the several Departments, the judges of the Supreme Court, the representatives of the foreign governments near this Government, the governors of the several States, the General of the Army, and the Admiral of the Navy, and such officers of the Army and Navy as have received the thanks of Congress who may then be at the seat of Government to be present on the occasion.

And be it further resolved, That the President of the United States be requested to transmit a copy of these resolutions to Mrs. Lucretia R. Garfield, and to assure her of the profound sympathy of the two Houses of Congress for her deep personal affliction and of their sincere condolence for the late national bereavement.

February 1, 1882, both Houses of Congress adopted the following resolution:

Resolved by the House of Representatives (*the Senate concurring*), That Monday, the 27th day of February, 1882, be set apart for the memorial services upon the late President, James A. Garfield.

[For proclamation of President Arthur appointing, in consequence of the death of James Abram Garfield, late President of the United States, a day of humiliation and mourning, see p.4621.]

QUESTIONS.

1. What political strife indirectly caused the assassination of Garfield? (See Stalwarts, Encyclopedic Index.)

2. What military service did Garfield render? (See Biography, page 4593 and following.)

3. What two notable speeches did Garfield make in the House of Representatives? Page 4595.

SUGGESTIONS.

Garfield was assassinated on September 19th, 1881, after serving as President only from March 4th of the same year.

The only public utterance of consequence which he had opportunity to give was his Inaugural Address. This address disclosed the great scholar that Garfield was, and the reading of it in its entirety is well worth while, because it came long enough after the Civil War to enable him to review that war, and to give a concise history of the period. Page 4596.

In this Inaugural Address he discusses ably the question of finances, civil service, the proposed canal, and many other vital questions.

The condition of the times did not call for an enunciation of Foreign Policy by Garfield, and he did not express his views, except in the brief reference to the commerce of the world in connection with the canal discussion. Page 4610.

NOTE.

For further suggestions on Garfield's administration see Garfield, James A., Encyclopedic Index.

By reading the Foreign Policy of each President, and by scanning the messages as to the state of the nation, a thorough knowledge of the history of the United States will be acquired from the most authentic sources; because, as has been said, "Each President reviews the past, depicts the present and forecasts the future of the nation."

Chester A. Arthur

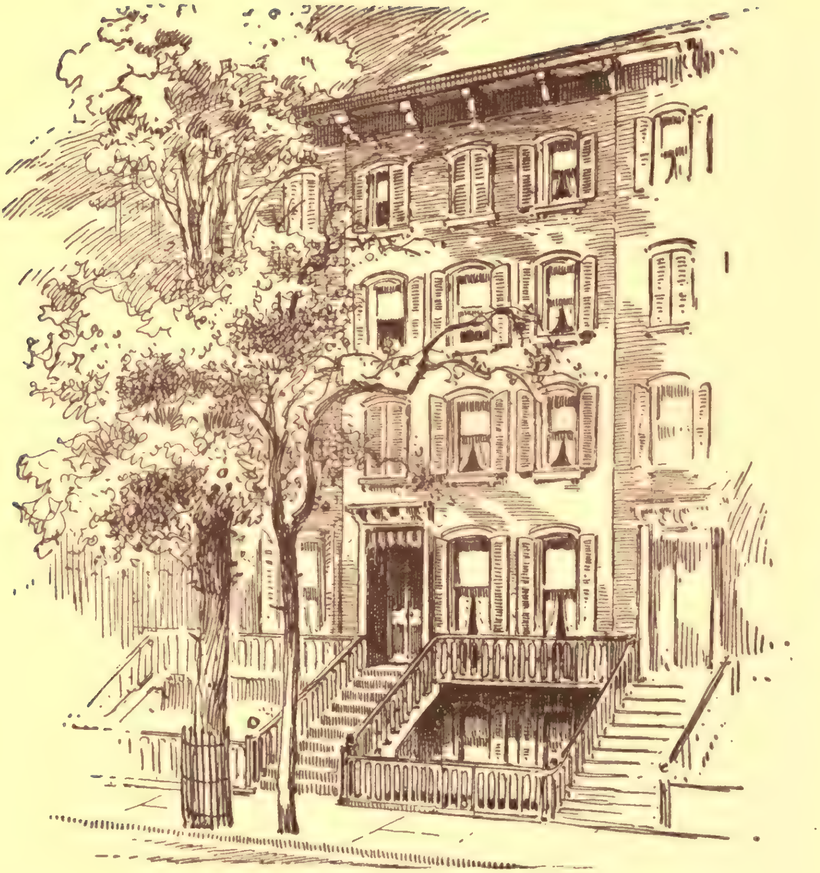
September 19, 1881, to March 4, 1885

SEE ENCYCLOPEDIC INDEX.

The Encyclopedic Index is not only an index to the other volumes, not only a key that unlocks the treasures of the entire publication, but it is in itself an alphabetically arranged brief history or story of the great controlling events constituting the History of the United States.

Under its proper alphabetical classification the story is told of every great subject referred to by any of the Presidents in their official Messages, and at the end of each article the official utterances of the Presidents themselves are cited upon the subject, so that you may readily turn to the page in the body of the work itself for this original information.

Next to the possession of knowledge is the ability to turn at will to where knowledge is to be found.



HOME ON LEXINGTON AVENUE, NEW YORK CITY, OF CHESTER A. ARTHUR

With reproduction of official portrait, by Huntington, from the White House Collection

C A Arthur

ARTHUR

President Arthur will be distinguished both for what he did and what he refrained from doing. The strain and intensity of public feeling, the vehemence of the angry and vindicative passions of the time, demanded the rarest of negative as well as positive qualities. His calm and even course of government allayed excitement and appealed to the better judgment of the people. He spoke vigorously for the reform and improvement of the Civil Service, and when Congress, acting upon his suggestions, enacted the law, he constructed the machinery for its execution, which has since accomplished most satisfactory, though as yet incomplete results. On questions of currency and finance he met the needs of public and private credit, and the best commercial sentiment of the country. He knew the necessity for efficient coast defenses, and a navy equal to the requirements of the age. He keenly felt the weakness of our commercial marine, and the total destruction of the proud position we had formerly held among the maritime Nations of the world, and did what he could to move Congress to wise and patriotic legislation.

The centennial of the final surrender at Yorktown, which marked the end of the Revolutionary War, and the close of English rule, was celebrated with fitting splendor and appropriateness. The presence of the descendants of Lafayette and Steuben as the guests of the Nation, typified the undying gratitude of the Republic for the services rendered by the great French patriot and his countrymen, and by the famous German soldier. But the President, with characteristic grace and tact, determined that the ceremonies should also officially record that all feelings of hostility against the mother country were dead. He directed that the celebration should be closed by a salute fired in honor of the British flag, as he felicitously said, "in recognition of the friendly relations so long and so happily subsisting between Great Britain and the United States, in the trust and confidence of peace and good-will between the two countries for all the centuries to come," and then he added the sentence, "and especially as a mark of the profound respect entertained by the American people for the illustrious sovereign and gracious lady who sits upon the British throne."

General Grant was dying of a lingering and most painful disease. Manifold and extraordinary misfortunes had befallen him, and his last days were clouded with great mental distress and doubt. The old soldier was most anxious to know that his countrymen freed him and would hold his memory sacred from all blame in connection with the men and troubles with which he had become so strangely, innocently and most inextricably involved. Whether his life should suddenly go out in the darkness, or be spared for an indefinite period was largely dependent upon some act which would convey to him the confidence and admiration of the people. Again were illustrated both General Arthur's strong friendship and its always quick and correct appreciation of the expression of popular sentiment. By timely suggestions to Congress, speedily acted upon, he happily closed the Administration by affixing, as its last official act, his signature to the nomination, which was confirmed with tumultuous cheers, creating Ulysses S. Grant General of the Army. The news flashed to the hero, with affectionate message, rescued him from the grave, to enjoy for months the blissful assurance that comrades and countrymen had taken his character and career into their tender and watchful keeping.

When the bullet of Guiteau struck down President Garfield, there came a perfect whirlwind of resentment and revenge, and General Arthur, by the very necessity of his position, became the object of most causeless and cruel suspicion and assault. But in that hour the real greatness of his character became resplendent. The politician gave place to the statesman, and the partisan to the President.

The months during which President Garfield lay dying by the sea at Elberon were phenomenal in the history of the world. The sufferer became a member of every household in the land, and in all countries, tongues and creeds, sympathetic prayers ascended to God for the recovery of the great ruler beyond the ocean who had sprung from the common people and illustrated the possibilities for the individual where all men are equal before the law.

While he who was to succeed him if he died, though in no place and in no sense charged with sympathy with the assassination, yet was made to feel a National resentment and distrust which threatened his usefulness and even his life. Whether he spoke or was silent he was alike misrepresented and misunderstood.

When the end came for General Garfield, Arthur entered the White House as he had taken the oath of office—alone. A weaker man would have succumbed, a narrower one have seized upon the patronage and endeavored to build up his power by strengthening his faction. But the lineage and training of Arthur stood in this solemn and critical hour for patriotism and manliness.

Chauncey M. Depew.

MARY ARTHUR McELROY

Mary Arthur McElroy presided at the White House when her brother, Chester Alan Arthur, succeeded to the Executive office upon the death of President Garfield. In 1859 he had married Ellen Lewis Herndon, daughter of Commander William Lewis Herndon, who, by order of the Government, explored the Amazon River in 1857, but she died in January, 1880, less than one year previous to his election as Vice-President. Mrs. McElroy was specially adapted to fill the position of mistress of the White House from her natural tact and previous social experience. Her residence at the White House was therefore marked by graceful and dignified hospitality and the task of entertainment was greatly lightened by the extreme geniality of the President. Like her brother, she was of fine and imposing appearance. After the death of Mr. Arthur, his only daughter, Ellen Herndon Arthur, lived in Albany with her aunt, Mrs. McElroy, the son, Chester A. Arthur, Jr., residing chiefly abroad.

Chester A. Arthur

CHESTER ALAN ARTHUR was born in Fairfield, Franklin County, Vt., October 5, 1830. He was the eldest son of Rev. William Arthur and Malvina Stone. His father, a Baptist minister, was born in Ireland and emigrated to the United States. Chester prepared for college at Union Village in Greenwich and at Schenectady, N. Y., and in 1845 entered the sophomore class of Union College. While in his sophomore year taught school for a term at Schaghticoke, Rensselaer County, and a second term at the same place during his last year in college. Joined the Psi Upsilon Society, and was one of six in a class of one hundred who were elected members of the Phi Beta Kappa Society, the condition of admission being high scholarship. After his graduation in 1848, at the age of 18, attended a law school at Ballston Spa, N. Y.; returned to Lansingburg, N. Y., where his father then resided, and continued his legal studies. Was principal of an academy at North Pownal, Bennington County, Vt., in 1851. In 1853 entered the law office of Erastus D. Culver in New York City as a student; was admitted to the bar during the same year, and at once became a member of the firm of Culver, Parker & Arthur. Having formed from early associations sentiments of hostility to slavery, as a law student and after his admission to the bar became an earnest advocate for the slaves. Became a Henry Clay Whig, and cast his first vote in 1852 for Winfield Scott for President. Participated in the first Republican State convention, at Saratoga, and took an active part in the Frémont campaign of 1856. October 29, 1859, married Ellen Lewis Herndon, of Fredericksburg, Va. January 1, 1861, was appointed on Governor Edwin D. Morgan's staff as engineer in chief, with the rank of brigadier-general. Had previously taken part in the organization of the State militia, and had been judge-advocate of the Second Brigade. When the civil war began, in April, 1861, he became acting quartermaster-general, and as such began in New York City the work of preparing and forwarding the State's quota of troops. Was called to Albany in December for consultation concerning the defenses of New York Harbor. Summoned a board of engineers on December 24, of which he became a member, and on January 18, 1862, submitted an elaborate report on the condition of the national forts both on the seacoast and on the inland border of the State. Was appointed inspector-general February 10, 1862, with the rank of brigadier-general, and in May inspected the New York troops at Fredericksburg and on the Chickahominy. In June, 1862, Governor Morgan ordered his return from the Army of the Potomac, and he acted as secretary of the meeting of the governors of the loyal States which was held June 28 in New York City. At Governor Morgan's request, General Arthur resumed his former work, resigned as inspector-general, and on July 10 was appointed quartermaster-general. Retired from the office December 31, 1862, when Horatio Seymour succeeded Governor Morgan. Between 1862 and 1872 was engaged in continuous and active law practice—in partnership with Henry G. Gardner from 1862 till 1867, then for five years alone, and on January 1, 1872, formed the firm of Arthur, Phelps & Knevals. Was for a short time counsel for the department of assessments and taxes, but resigned the place. Continued during all this period to take an active part in politics. Was chairman in 1868 of the Central Grant Club of New York, and became chairman of the executive committee of the Republican State committee in 1879. Was appointed collector of the port of New York by President Grant on November 20, 1871; was reappointed on December 17, 1875, and confirmed by the Senate on the same day without reference to a committee, a courtesy never before extended to an appointee who had not been a Senator; retained the office until July 11, 1878, when he was suspended by President Hayes. On retiring from the office of collector resumed the practice of law with the firm of Arthur, Phelps, Knevals & Ransom. Advocated in 1880 the nomination of General Grant to succeed President Hayes. Was a delegate at large to the Chicago convention, which met June 2, 1880. After the nomination of General Garfield for the Presidency a general desire arose in the convention to nominate for Vice-President some advocate of General Grant and a resident of New York State. The New York delegation indicated their preference for General Arthur, and he was nominated on the first ballot. Was elected Vice-President November 2, 1880; took the oath of office March 4, 1881, and presided over the extraordinary session of the Senate that then began, which was very exciting. That body being equally divided, he was frequently called upon to exercise the right of casting the controlling vote. President Garfield was shot July 2, 1881, and died September 19. His Cabinet announced his death to the Vice-President, then in New York, and at their suggestion he took the oath as President on the 20th at his residence in New York City before Judge John R. Brady, of the New York supreme court. On the 22d the oath was formally administered again in the Vice-President's room in the Capitol at Washington by Chief Justice Waite. President Arthur's name was presented to the Republican Presidential convention which met at Chicago June 3, 1884. On the first ballot he received 278 votes against 540 for all others, 276 on the second, 274 on the third, and 207 on the fourth, which resulted in the nomination of James G. Blaine. In the canvass which ensued Mr. Arthur rendered all possible assistance to the Republican cause and candidates. Died suddenly at his residence in New York City November 18, 1886, and was buried in Rural Cemetery at Albany.

INAUGURAL ADDRESS.

For the fourth time in the history of the Republic its Chief Magistrate has been removed by death. All hearts are filled with grief and horror at the hideous crime which has darkened our land, and the memory of the murdered President, his protracted sufferings, his unyielding fortitude, the example and achievements of his life, and the pathos of his death will forever illumine the pages of our history.

For the fourth time the officer elected by the people and ordained by the Constitution to fill a vacancy so created is called to assume the Executive chair. The wisdom of our fathers, foreseeing even the most dire possibilities, made sure that the Government should never be imperiled because of the uncertainty of human life. Men may die, but the fabrics of our free institutions remain unshaken. No higher or more assuring proof could exist of the strength and permanence of popular government than the fact that though the chosen of the people be struck down his constitutional successor is peacefully installed without shock or strain except the sorrow which mourns the bereavement. All the noble aspirations of my lamented predecessor which found expression in his life, the measures devised and suggested during his brief Administration to correct abuses, to enforce economy, to advance prosperity, and to promote the general welfare, to insure domestic security and maintain friendly and honorable relations with the nations of the earth, will be garnered in the hearts of the people; and it will be my earnest endeavor to profit, and to see that the nation shall profit, by his example and experience.

Prosperity blesses our country. Our fiscal policy is fixed by law, is well grounded and generally approved. No threatening issue mars our foreign intercourse, and the wisdom, integrity, and thrift of our people may be trusted to continue undisturbed the present assured career of peace, tranquillity, and welfare. The gloom and anxiety which have enshrouded the country must make repose especially welcome now. No demand for speedy legislation has been heard; no adequate occasion is apparent for an unusual session of Congress. The Constitution defines the functions and powers of the executive as clearly as those of either of the other two departments of the Government, and he must answer for the just exercise of the discretion it permits and the performance of the duties it imposes. Summoned to these high duties and responsibilities and profoundly conscious of their magnitude and gravity, I assume the trust imposed by the Constitution, relying for aid on divine guidance and the virtue, patriotism, and intelligence of the American people.

SEPTEMBER 22, 1881.

PROCLAMATIONS.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas in His inscrutable wisdom it has pleased God to remove from us the illustrious head of the nation, James A. Garfield, late President of the United States; and

Whereas it is fitting that the deep grief which fills all hearts should manifest itself with one accord toward the throne of infinite grace, and that we should bow before the Almighty and seek from Him that consolation in our affliction and that sanctification of our loss which He is able and willing to vouchsafe:

Now, therefore, in obedience to sacred duty and in accordance with the desire of the people, I, Chester A. Arthur, President of the United States of America, do hereby appoint Monday next, the 26th day of September—on which day the remains of our honored and beloved dead will be consigned to their last resting place on earth—to be observed throughout the United States as a day of humiliation and mourning; and I earnestly recommend all the people to assemble on that day in their respective places of divine worship, there to render alike their tribute of sorrowful submission to the will of Almighty God and of reverence and love for the memory and character of our late Chief Magistrate.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, the 22d day of September, A. D. 1881, and of the Independence of the United States of America the one hundred and sixth.

CHESTER A. ARTHUR.

By the President:

JAMES G. BLAINE, *Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas objects of interest to the United States require that the Senate should be convened at an early day to receive and act upon such communications as may be made to it on the part of the Executive:

Now, therefore, I, Chester A. Arthur, President of the United States, have considered it to be my duty to issue this my proclamation, declaring that an extraordinary occasion requires the Senate of the United States to convene for the transaction of business at the Capitol, in the city of Washington, on Monday, the 10th day of October next, at 12 o'clock noon on that day, of which all who shall at that time be entitled to act as members of that body are hereby required to take notice.

[SEAL.] Given under my hand and the seal of the United States, at Washington, the 23d day of September, A. D. 1881, and of the Independence of the United States the one hundred and sixth.

CHESTER A. ARTHUR.

By the President:

JAMES G. BLAINE,
Secretary of State

SPECIAL MESSAGES.

WASHINGTON, *October 12, 1881.*

To the Senate of the United States:

I transmit herewith to the Senate a communication from the Secretary of State, submitting the text, in the English and French languages, of the proceedings of the International Sanitary Conference, provided for by the joint resolution of the Senate and House of Representatives of the United States of America, held at Washington in the early part of 1881.

CHESTER A. ARTHUR.

To the Senate.

I transmit herewith the report of the Secretary of State in answer to the resolution of the Senate of October 14, with accompanying document.*

CHESTER A. ARTHUR.

OCTOBER 24, 1881.

WASHINGTON, *October 26, 1881.*

To the Senate of the United States:

I transmit to the Senate, for its consideration with a view to ratification, a convention between the United States and His Majesty the King of Roumania, defining the rights, immunities, and privileges of consular officers, signed on the 17th day of June, 1881.

CHESTER A. ARTHUR.

---

* Letter of instruction to United States ministers in Europe relative to protecting the rights and interests of the United States in the projected interoceanic canal at Panama.

PROCLAMATION.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

It has long been the pious custom of our people, with the closing of the year, to look back upon the blessings brought to them in the changing course of the seasons and to return solemn thanks to the all-giving source from whom they flow. And although at this period, when the falling leaf admonishes us that the time of our sacred duty is at hand, our nation still lies in the shadow of a great bereavement, and the mourning which has filled our hearts still finds its sorrowful expression toward the God before whom we but lately bowed in grief and supplication, yet the countless benefits which have showered upon us during the past twelvemonth call for our fervent gratitude and make it fitting that we should rejoice with thankfulness that the Lord in His infinite mercy has most signally favored our country and our people. Peace without and prosperity within have been vouchsafed to us, no pestilence has visited our shores, the abundant privileges of freedom which our fathers left us in their wisdom are still our increasing heritage; and if in parts of our vast domain sore affliction has visited our brethren in their forest homes, yet even this calamity has been tempered and in a manner sanctified by the generous compassion for the sufferers which has been called forth throughout our land. For all these things it is meet that the voice of the nation should go up to God in devout homage.

Wherefore I, Chester A. Arthur, President of the United States, do recommend that all the people observe Thursday, the 24th day of November instant, as a day of national thanksgiving and prayer, by ceasing, so far as may be, from their secular labors and meeting in their several places of worship, there to join in ascribing honor and praise to Almighty God, whose goodness has been so manifest in our history and in our lives, and offering earnest prayers that His bounties may continue to us and to our children.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 4th day of November, A. D. 1881, and of the Independence of the United States the one hundred and sixth.

CHESTER A. ARTHUR.

By the President:

JAMES G. BLAINE,

Secretary of State.

EXECUTIVE ORDER.*

YORKTOWN, VA., *October 19, 1881.*

In recognition of the friendly relations so long and so happily subsisting between Great Britain and the United States, in the trust and confidence of peace and good will between the two countries for all the centuries to come, and especially as a mark of the profound respect entertained by the American people for the illustrious sovereign and gracious lady who sits upon the British throne

It is hereby ordered, That at the close of the ceremonies commemorative of the valor and success of our forefathers in their patriotic struggle for independence the British flag shall be saluted by the forces of the Army and Navy of the United States now at Yorktown.

The Secretary of War and the Secretary of the Navy will give orders accordingly.

CHESTER A. ARTHUR.

By the President:

JAMES G. BLAINE,
Secretary of State.

FIRST ANNUAL MESSAGE.

WASHINGTON, *December 6, 1881.*

To the Senate and House of Representatives of the United States:

An appalling calamity has befallen the American people since their chosen representatives last met in the halls where you are now assembled. We might else recall with unalloyed content the rare prosperity with which throughout the year the nation has been blessed. Its harvests have been plenteous; its varied industries have thriven; the health of its people has been preserved; it has maintained with foreign governments the undisturbed relations of amity and peace. For these manifestations of His favor we owe to Him who holds our destiny in His hands the tribute of our grateful devotion.

To that mysterious exercise of His will which has taken from us the loved and illustrious citizen who was but lately the head of the nation we bow in sorrow and submission.

The memory of his exalted character, of his noble achievements, and of his patriotic life will be treasured forever as a sacred possession of the whole people.

---

* Read by the Secretary of State before the people assembled to celebrate the Yorktown Centennial.

The announcement of his death drew from foreign governments and peoples tributes of sympathy and sorrow which history will record as signal tokens of the kinship of nations and the federation of mankind.

The feeling of good will between our own Government and that of Great Britain was never more marked than at present. In recognition of this pleasing fact I directed, on the occasion of the late centennial celebration at Yorktown, that a salute be given to the British flag.

Save for the correspondence to which I shall refer hereafter in relation to the proposed canal across the Isthmus of Panama, little has occurred worthy of mention in the diplomatic relations of the two countries.

Early in the year the Fortune Bay claims were satisfactorily settled by the British Government paying in full the sum of £15,000, most of which has been already distributed. As the terms of the settlement included compensation for injuries suffered by our fishermen at Aspee Bay, there has been retained from the gross award a sum which is deemed adequate for those claims.

The participation of Americans in the exhibitions at Melbourne and Sydney will be approvingly mentioned in the reports of the two exhibitions, soon to be presented to Congress. They will disclose the readiness of our countrymen to make successful competition in distant fields of enterprise.

Negotiations for an international copyright convention are in hopeful progress.

The surrender of Sitting Bull and his forces upon the Canadian frontier has allayed apprehension, although bodies of British Indians still cross the border in quest of sustenance. Upon this subject a correspondence has been opened which promises an adequate understanding. Our troops have orders to avoid meanwhile all collisions with alien Indians.

The presence at the Yorktown celebration of representatives of the French Republic and descendants of Lafayette and of his gallant compatriots who were our allies in the Revolution has served to strengthen the spirit of good will which has always existed between the two nations.

You will be furnished with the proceedings of the Bimetallic Conference held during the summer at the city of Paris. No accord was reached, but a valuable interchange of views was had, and the conference will next year be renewed.

At the Electrical Exhibition and Congress, also held at Paris, this country was creditably represented by eminent specialists, who, in the absence of an appropriation, generously lent their efficient aid at the instance of the State Department. While our exhibitors in this almost distinctively American field of achievement have won several valuable awards, I recommend that Congress provide for the repayment of the personal expenses incurred in the public interest by the honorary commissioners and delegates.

No new questions respecting the status or our naturalized citizens in

UNIVERSITY OF CALIFORNIA LIBRARY, LOS ANGELES
COLLEGE LIBRARY
This book is due on the last date stamped below.

MAR 25 '86 14 DAY
7 APR '86 REC CL

Book Slip—25m-9,'60 (B2936s4) 4280

College
Library

UCLA-College Library
J 81 B97 1897 v.10
L 005 766 557 2

UC SOUTHERN REGIONAL LIBRARY FACILITY
A 001 339 402 8